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# WESTERN AMERICANA

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Very Sincerely Yours
Sidney Jocknick

# Early Days
ON THE
# Western Slope of Colorado

AND

## Campfire Chats with Otto Mears
The Pathfinder

From 1870 to 1883, Inclusive

*By*
SIDNEY JOCKNICK

DENVER, COLO.
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# PREFACE

I offer the following pages to the public with some diffidence, though not with any feeling of regret for the style of composition, for I do not pretend to be learned in book making. To my mind style and beauty of composition belong rather to the poet or novelist than to one whose sole pretension is to detail in a rough way certain incidents and experiences in a rough life.

To explain why I am only now relating events which occurred many years ago I must inform the reader that I was for fifteen years prospecting and cow-punching over various parts of Colorado, that several subsequent years were spent in ranching, consequently my habits of life precluded pen work. That ranch life was not necessarily in itself incompatible with pen work became evident to me at a later period of ranching than that which is here recorded. I then found out that in the run of the year farming afforded me more leisure than almost any other calling. Thereupon I applied myself diligently to the soul-absorbing work of an humble scrivener and I rather enjoyed it. After that I kept a journal. I may some day publish that also; that, of course, will depend on whether or no it is wanted, for, to speak the truth, I find rewriting old subjects considerably more troublesome than agreeable.

I fully expect that all of my acquaintances will flatter me upon the present work, but that is a matter of no importance. I should think them rude if they did not, and yet shall not believe them if they do. I quite agree with some former writer who hints that the best compliment that can possibly be paid to an author is to buy his book, and from this criterion I shall judge whether it is wished that I should appear in print a second time or not, more than from the opinions either of my friends or even of the reviewers. It must not, however, be understood that I do not fear criticism; on the contrary, I put myself in the most humble attitude before the mighty wielders of the pen, and plead, that to attack my style would be unmanly and betray a great want of good manners on their part.

And now I cannot do better than to conclude this preface by saying that I shall never regret having devoted the greater part of nine years to mixing up with different varieties and shades of Indian character, frivolous as my pursuit of novelty may have appeared to many. Numerous scenes, of which I had no previous conception, have dawned upon me, I hope to the enlargement of my mind and the improvement of my understanding. If I have done but little good, I trust I have done less harm, and that none of my adventures will be other than a source of amusing and pleasant recollections to me in the decline of life. God bless you all!

To

THE HONORABLE OTTO MEARS

the Pathfinder

and to

THE WESTERN SLOPE PIONEERS' ASSOCIATION

this book is affectionately dedicated

by the author

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TWO UTE CHIEFS ON A DENVER SKY-SCRAPER

Gazing over their old Hunting Grounds on the Platte River

# CHAPTER I—1870

## *Early Days on the Western Slope of Colorado*

YEARS ago there lived near my parents in Washington a good pious farmer named Smith who had retired from his business career to spend the evening of his days in the Capitol City.

This man's brother-in-law, the late Captain William H. Hooper of Salt Lake City, had somehow drifted into Mormondom and was then its representative or delegate in the House of Representatives.

Well, he visited his brother-in-law and I being very young and enthusiastic was intensely interested in the strange faith and people he represented and consequently took unusual pains to learn all I could concerning them. Captain Hooper was a resident of Salt Lake up to the time of his death. With him I talked, not for minutes only, but day after day for more than a year, questioning, listening and reading his Book of Mormon (and what a sickly burlesque of the Old Testament it is) until I knew probably more of its contents than many a full-fledged desciple of the faith.

To my youthful mind the coloring of the picture conveyed a world of meanings, for I had not yet learned to discriminate between colors and realities, and therefore had much to learn from the experience and wisdom of the gentiles, a few of whom I afterwards met in Denver.

But I am getting ahead of my story. There is an old saying that all wise men come from the East. I argued with myself, not unreasonably, that some of them must have come a little further from the East than I did, or my friends did, especially the apostles and prophets, for, in spite of the warnings of friends, I was much biased towards the "Latter Day Saints" and preoccupied with the intention of seeing the kingdom, "the power and the glory," that I had read so much about.

Well, I came out to Denver. That was in 1870. There I saw "a great light from the West." To me it seemed "like the hand writing on the wall," and drawing words of sarcasm in blazing characters about my air castles in Salt Lake City, so I allowed my new-born faith to take on a second growth, so to speak. To make a long story short, whilst I tarried in Denver my flowery visions of that kingdom by the salt waves was destined to be rudely dissipated. While there I met a man who had been about as lively a Mormon as one could wish to see, but he was a Mormon no longer. From him I learned much about the inner life of Mormonism. Not being one of the tithe-gathering saints, but simply an impecunious "Jack Mormon" possessing but one wife, he gave me a most harrowing picture of the slavery of Mormondom, and of the godless, foresaken, school for scandal ministry. After that interview my perspective of Mormonism was seen as through a glass, darkly, and it very much upset me.

But enough of this, for I must again, perforce, revert back to my environment at Washington where the confinements of a desk caused me to long for a change of scene. A "new deal" all around was promised me if I would only go out to Utah. Suffice it to say the proposition was father to the thought, in my own wishes, for I had decided in my own secret heart that the above proposition was good for what ailed me.

However, I determined not to appear too fresh about it, so I hit upon first visiting Denver, Pike's Peak, and so forth, and after that, providing the sign was all right in the almanac, I would hike for Salt Lake City.

Captain Hooper, seeing that the Forty-First Congress was about to close its session would necessarily be going west also, therefore by his proposal we were slated to be fellow travelers together.

Accordingly, after bidding my parents in Washington a fond farewell, I and my "side partner," Captain Hooper, departed by rail for Wheeling, West Virginia, then at the head of steam navigation on the Ohio. There we abandoned the railroad and took a river steamer for Cincinnati. It being summer time and finding ourselves in no extreme hurry we accordingly decided that henceforward our route westward should, as far as practicable, be confined to river transportation as being by far the most agreeable mode of summer travel.

I found in Captain Hooper a most engaging and entertaining traveling companion. He was intimately acquainted with all the region through which we passed and as we steamed down stream pointed out to me the various points of interest as they came into our point of view. Among others the famous home of Mr. Blennerhassett on an island, where the notorious Aaron Burr cut such a wide swath in American history. From the Captain I learned for the first time that most extraordinary story of Burr's secret meetings and negotiations with secret emissaries from old Mexico; of how he made liberal use of Mr. Blennerhassett's wealth and influence in society to further his ambitious plans of conquest. I remember also to this day how my indignation was aroused by Captain Hooper's recital of Burr's treachery and how sorry I felt for his unfortunate dupe, Mr. Blennerhassett, a fine old Irish gentleman who had settled with his family on this beautiful island. How odd, too, it seemed to me that after having traveled the world over he should at last have sailed down the Ohio river in America, and pulled up at this, his secluded island home near the present town of Cincinnati. At this place we took a propeller that plied between there and St. Louis.

Our voyage down the Ohio was an eventful succession of groundings on sand bars and mud flats. At the last of these groundings we were marooned for two whole days and nights. Being grounded on a sand bar is sometimes conducive to studious habits, personal introspection and general observations on the faults of others. More frequently than not its monotony is varied by the fascinating sound of poker chips as they go clicking in unison with the jingle of glassware.

As the weather was hot and the call loud and insistent, somebody took to mixing of sodas and brandy smashes, such as our grandmothers used to make. The ting-a-ling-ling of the ice in the pitcher seemed to go right to the spot. Had it not been for my lively companion, however, time would most certainly have hung heavily on my spirits, inasmuch as betwixt drinks the poker table had no charms for me.

Thus out of abundant leisure we became retrospective, and thrashed over again some old straw in the Mormon Bible concerning points of faith that the Captain had not previously touched upon. Incidentally, too, our conversation drifted back to the story of

Blennerhassett, for, somehow its moral blended well as a counterpart in national politics with that of Mormonism, both subjects being eloquent in paradoxes anent Western history. Again the Captain waxed eloquent on the brilliant schemes of Aaron Burr, comparing him to Brigham Young who likewise saw in the domain of old Mexico a possibly safe issue from out of his own persecution and a possibly safe theatre of future greatness for Mormonism when its prestige as a church would have become outlawed in the United States. Naturally, our conversation assumed an argumentative tone, with the Captain on the affirmative side as against myself on the negative; however, it is not my purpose to lumber up these pages with arguments on the tenets and principles of the Mormon question. Suffice it to say that it is now some forty-one odd years since I stood on the hurricane deck of that Ohio steamboat. Captain Hooper's remarks on that occasion as to the future of the Mormon church were singularly prophetic, at least in so far as the old school of Mormonism was concerned and their change of faith. Now, as then, Mexico welcomes them kindly to her shores as if in deference to their wishes to absorb some of their idle female element unrestricted by any legal enactments against polygamy, so hither they are going today, as on a pilgrimage but worthy of a better cause.

"Poor sons of men, said the pitying spirit,
Dearly ye paid for your primal fall,
Some flowrets of Eden ye still inherit
But the trail of the serpent is over them all."

Far be it from me to sit in judgment on anyone's faith. Nobody has a shadow of right to do that, but the actions of a people in so far as they have a bearing upon others concern everyone, and this right only I exercise when I say that no one has a right to live in direct opposition to the laws of a country by simply calling such opposition religious faith. The Hindu thug believes that his goddess demands the strangling of as many people as possible, but if such a dusky devotee endeavored to serve his deity by strangling even one of the shining lights of Mormondom it is hardly probable that that plea would save his neck from being unpleasantly dislocated. That bigamy is a crime punishable by confinement in the state's prison, every man in the United States knows, or ought to know, consequently if he commits it he should be punished according to the law no matter whether it happens in Boston or Salt Lake City. And if a woman lives with a man knowing him to have a wife already, she has no rights of wifehood to defend under the law, that I know of. If men and women desire to live in polygamy, Mexico, as already intimated, welcomes them freely. As to our ladies reading the Psalms of David, the Songs of Solomon and other records of people who lived when the intelligence of mankind was in its swaddling clothes, well I guess they are guilty of that. The fact is they go back even further, clear to the beginning where there is the account of a marriage that took place "when the morning stars sang together," and as that is about the only one on record where God himself issued the license and performed the ceremony, it is to be presumed that it was about as nearly correct, in every particular, as anything of the kind could be. Had polygamy entered into the divine plan there were enough ribs where the first one came from to set up quite a respectable Mormon family, only how would poor old Adam have felt as the personification of so much plurality in his simple backbone.

But to return to the steamer's deck; eventually, we reached that broad expanse at the outlet of the Ohio and were rocking on the broad bosom of the Father of Waters, the Mississippi. Melancholy has marked the Mississippi for her own. Visit its shores anywhere and a weird mournful atmosphere mellows the scene. One thinks of the myriads of mound builders and Indians who are dead, and of the many white people who ought to be. For scores and scores of miles the unending low shores, just mere nothing covered with willows. Soft maples so thick that none ever becomes a tree make monotonous mounds of foliage behind the willows.

The imagination at such times is wont to paint agreeable scenes as an offset to the invariable monotony, but so faintly that their outline remains not an instant on the memory; so in this dreamy mood I had been drivelling without the spark of an animation or the spirit of an ambition sufficiently effective to arouse me from my reveries. Sitting cross-legged on the steamer's guard rail on the hurricane deck, I was fast succumbing to the silent influence of "Old Morpheus" when a heavy hand was laid on my shoulder; it was my companion's. For an hour or more he had been steadily promenading the deck, engaged with his own thoughts and passing only an occasional word with me as he reached the end of each beat. A moment later and I would have fallen overboard and sank forever beneath the dark waves. Had it not been for my faithful companion this book undoubtedly would never have been written. Thus I owed him a debt of gratitude, and the mental reaction which this episode brought about made me almost half ashamed of my silent, but nevertheless hostile attitude towards Mormonism.

At last we came in sight of St. Louis with its spires and domes and minarets flashing in the sunlight.

Here we took another boat called the "Mountaineer," bound for Wyandotte, now Kansas City, Kansas.

At St. Louis Captain Hooper received letters from the head men of the church to hold himself in readiness at Wyandotte, to receive a somewhat numerous party of Mormon emigrants that would reach there, either in advance of, or simultaneously with his own arrival. Sure enough, they were there all right when our steamer tied up at its levee. In fact, they were in the act of crossing the Missouri by ferry boat before we were well ashore. Albeit, though he had not previously mentioned the fact, he was in a half expectant mind at St. Louis of hearing something in advance to apprise him of their whereabouts.

They were a motley gathering of all nationalities and fresh from Europe. On general principles anyone possessing even a moderate knowledge of human physiology would have discounted them all for a lot of antediluvians, so old-fashioned and unsophisticated was their outward appearance as to style and bearing. Only a very small portion of their men folks would have passed muster in case any of them had become desperate enough to have applied for admission into the United States army. As to the personnel of their female element, they were certainly the homeliest looking lot of women folks that the writer ever set eyes upon.

While I could not help but admire an ambitious Mormon like Mr. Hooper yet, for all that, the bubble of Mormonism for me had "busted." Furthermore, I had a letter of introduction to the Governor of Colorado that would probably secure me an appointment in the Indian Department, and inasmuch as "one bird in the hand was worth two in the bush," I decided to make Denver my objective point instead of Salt Lake. Therefore I parted company with Captain Hooper and from Wyandotte proceeded on the Kansas Pacific railroad to Kit Carson, Colorado, which was as far as construction work had proceeded. From Kit Carson to Denver, a distance of 170 miles, I staged it, making the distance on Ben Holliday's line in two days and a half. Eastern Colorado and Western Kansas was then an almost unbroken wild, with but occasional habitations along the route. Three months later I received a letter from Captain Hooper dated from Salt Lake, in which he detailed various incidents connected with his toilsome journey through Kansas to Denver, and thence overland to his destination. Most of this was detailed in a diary form, no doubt culled from his journal and submitted to me in good faith in case I would ever have occasion to perform a similar journey. For obvious reasons I omit itemizing the aforesaid diary, but such names as Cochetopa Pass, Uncompahgre and Gunnison rivers, Grand Valley and so forth, are herewith mentioned in the sense of their destiny as subsequently decreed by fate to become inseparably associated with the best years of my life.

# CHAPTER II—1870 AND 1871

## *Employed by the Government*

ON arriving in Denver I was struck with the appearance of so many Indians on the streets. They seemed to belong there. They were the Utes. In fact, being its wards, the Government had provided an agency for them, known as the Agency for "the Denver Utes." Their agent's name was James B. Thompson (a scion of English nobility).

One by one they all scraped up an acquaintance with me. When my baggage arrived and was removed to the Governor's office they would come and chat with me. In this way I soon became intimate with all of them. One Indian in particular who said his name was "Bully Ike," would come and sit with me on the wide porch of the Broadwell House till after dark and long after the other Indians had retired to rest.

There was, however, a secret in this. He once found me drinking something and on inquiring what it was I told him it was "Rum Punch." On his asking permission to taste it I said it might not be right for him to do so, though as far as I was concerned he was welcome. Notwithstanding this hint that it contained some unlawful matter, he seemed anxious to test its merits, and I allowed him to do so. The first evening it was a sip, the second a gulp, and the third, a glass; rather strong punch it was, too, for it contained a good proportion of Scotch whiskey.

In this way I soon learned enough of the Ute language to make myself understood amongst them; and my friend, "Bully Ike," wishing to learn more of English, we mutually assisted each other. He soon made much proficiency in his studies, which he evinced by calling the agent by opprobrious names, such as "Old Stiff," "Cabbage Head," "Horse's Ass," etc., and then translating the same for his benefit. I noticed, however, that he was careful not to let Mr. Thompson overhear these uncomplimentary remarks.

One night, the grog being a little stronger and in greater quantity than usual, he asked me again what that sort of drink was called in English, whereupon I reiterated that it was the same old "Rum Punch." Pretty soon he had flooded his lower level and then went the rounds of the other Utes and, waking them out of their sleep, informed them with many hic-cups that "hum punk" was "moldo bonio."

Having letters of introduction to Governor E. M. McCook, Governor of Colorado Territory, as previously stated, I awaited his return to Denver. He had gone on a visit to the White River Agency, a "post" that was later destined to leave a blood-stained page on Colorado's history. While there he held a powwow with certain chiefs and head men, who were anxious to have a competent survey made of their valley lands. Pending his return I assisted Mr. Thompson in a semi-official capacity as a copyist of Government accounts.

The Denver Utes were contemporary with the high tide of buffalo hunting. As against their hereditary enemies, the Arapahoes and Cheyennes, the Utes were alert and aggressive. Incessant hunters, too, were they, for Denver was their market for hides and smoked meats.

Gladly would the Arapahoes and Cheyennes have exterminated them but the latter always countered successfully against them, demanding and receiving their share of the spoils. The frontiersman's sympathy, too, was always on the side of the Utes, for the plains Indians were deadly enemies to emigration.

Diplomatic again were the Utes in further dealings with the whites, notably after the year 1868, in selling to them those rugged, mineralized mountain sections that they didnt' want and retaining the valley lands for their future agriculture.

Originally their reservation comprised San Luis Valley east of the summits of the Continental Divide, but in the treaty of 1868 they surrendered this to the whites in consideration of an annual annuity, and in the further assurance that, thereafter, their holdings practically comprising the whole of the Western Slope should forever remain their reservation, inviolate, for "as long as rivers might run and grasses might grow." Their agency was built in Cochetopa Park, their reserve embracing in round numbers 19,000,000 acres, or about one-third of Colorado. In the treaty of 1873, called "the San Juan treaty," they sold to the whites 4,000,000 acres of mineral lands known as the San Juan Mountains, retaining their valley lands as already mentioned, amounting to 15,000,000 acres.

The degeneration of the Utes was very rapid after the settlement of the West, but they were not bloodthirsty. Formerly they were a warlike tribe and, as has already been recorded, held their own with the fierce Arapahoes of the East and the savage Cheyennes of the North, whether upon the mountain or the plain. It is a matter of Ute history that one of their great battles with the Arapahoes took place near the present site of Steamboat Springs.

As civilization advanced, the plains Indians retreated before it, and after the Sand Creek fight in 1864 the plains were almost deserted by the wild hordes.

The Utes retreated to the mountains, making occasional forays to hunt buffalo on the eastern plains or in North Park. For this reason, the Agency for the

JAMES B. THOMPSON
Agent for the Denver Utes

Denver Utes was kept up till the year 1876 and was then discontinued, owing chiefly to the extermination of the buffalo. During the whole period of President Grant's first administration and continuously thereafter till 1876, Major James B. Thompson was agent for the Denver Utes. His appointment dated from the administration of Governor McCook, who succeeded Governor Hunt.

The Governor of Colorado was, in those days, an exceedingly busy man, inasmuch as, in connection with his business duties as Governor, he was also *ex-officio* Superintendent of Indian Affairs for the Territory, and, therefore, finding the pressure of business duties too much for him, he applied to the Interior Department to establish an agency, or bureau, to assume the duties of his superintendency over the Indians. Major Thompson accordingly became Indian agent, his services commencing January 17th, 1871.

By virtue of these sales they soon acquired a rich "sinking fund" in their treasury which amply endowed their existing agencies. Their agencies besides the Denver "post," were three others, viz: The Northern, or White River agency, the Middle or Cochetopa agency, and the agency for the Southern Utes, then at Abiquii, New Mexico, now at Ft. Lewis, near Durango. They also had left them money enough to permanently maintain their brethren in Denver, provided they behaved themselves. Chief Ouray's forethought was always in evidence in the "heyday" of their prosperous times.

Prior to the building of the Kansas Pacific railroad to Denver the Plains Utes were self-supporting, for buffalo were plenty in that golden era of the West. But alas! Immortality could not hedge the buffalo; their extermination was at hand, for, indeed, their days were numbered after the completion of the Kansas Pacific highway.

The creation of an agency for a band of Indians in a place like Denver, was, in itself, a parody on human intelligence, seeing that the establishment had no better apology for its existence than that of a graft ostensibly hidden under the specious guise of preserving the Utes from harm while loafing about town.

This establishment was fathered by Ex-Governor and Reverend A. C. Hunt in a letter submitted by him to the chairman of the House Committee on Indian Affairs, the purport of which letter was to the effect that the Utes (buffalo hunters), needed proper guardianship while in Denver. The moral atmosphere of the down town districts was inimical to their children's health; that the spiritual welfare of their parents needed cultivation; that parents as well as children be kept as far as possible out of harm's way. (No doubt, there were plenty of policemen in Denver who could have done that very properly.) "That Indian parents might become wise unto salvation, and gradually be brought under the refining influences of civilization."

As to their spiritual welfare, many well-meaning but misguided church people had at various times persistently endeavored to squirt a little gospel around amongst them without avail. An effort, too, that was made by some of Denver's philanthropic citizens to educate their children, was construed by them into an effort to cheat them. However, on the strength of Governor Hunt's letter through Colorado's representative or delegate, a resolution was adopted which passed both houses instructing the Secretary of the Interior to create an agency for the said Denver Utes, which proposition together with the accompanying correspondence was submitted to the Commissioner of Indian Affairs for his final endorsement and signature. This reformation, however, was not reduced to practice till after Hunt was removed from office and his successor, Governor McCook, was appointed.

However, as already mentioned, the real downfall of the Denver Ute agency was the extermination of the buffalo. In almost no time after the buffalo were gone their little bank accounts necessarily carried in their vest pockets gave out and left them penniless in so far as ready spending money was concerned. All the same, however, their "subsistence," "clothing," "hay" for "horses," "shoeing," "veterinary," etc., kept on coming up, for now that their agency was established their names were in the "pot," for it mattered not to the Government, provided they behaved themselves, whether there was plenty of game in the country or none.

Alas! for human fallibility and Indian frailty; while an abundance of supplies brought forth their good will, idleness, however, did not agree with their nomadic nature. They soon became shiftless and correspondingly insolent and domineering in their behavior. Oft times drunk, very seldom sober, many of them rusticated in the calaboose. At last they became so demoralized that the Mayor and leading citizens of Denver appealed to the Interior Department to have them removed to some distant mountain agency.

Mr. Thompson, previously mentioned as their agent, was honest enough to second this motion, knowing very plainly that it was equivalent to tendering his resignation. In a letter, therefore, to the Secretary of the Interior, he said, in part: (I quote from his letter verbatim, in the following words.)

"During my term of office I am free to confess that I have had but few occasions to express my approbation of the heroic, self-sacrificing deeds of this offshot from the family of the great Ne-va-va. (Nevava, a famous Ute chieftain who inhabited the plains country adjacent to the mountains in the "early fifties.")

"I do not find among the Denver Utes any instances worth recording of individual honesty or heroism, and I am forced to the conclusion, painful as it may be, that the Indian of the present day is not given to performances of which either of those attributes is a concomitant. On the contrary, I find among them much deceit, many incurable cases of kleptomania and a total want of that gratitude which might be expected from the wards of a beneficent Government.

"If there is any reply to the efforts made to feed and clothe them, it invariably takes the shape of a murmur, and my red children cast out utterances that could only be prompted by an indwelling spirit such as is depicted as residing in the breast of Oliver Twist when he dared to brave the wrath of Bumble and asked for more."

After the Government refused to further provide for them they sought means to provide for themselves. They roamed where they pleased, hunted where they happened to find game, begged in the towns and stole from the ranchmen.

Finally a portion of them were removed to the old Los Pinos or Cochetopa agency, thirty miles east of where Gunnison now stands. This was Colorow's band. The remainder of the Denver Utes remained there till 1876 under Mr. Thompson's care.

In order to illustrate the difficulties with which the agent at Denver had to contend, and to show that not all of the troubles arose from the natural cussedness of the redmen, I cite the following incidents, which, while to a certain extent comic, might have ended in a tragedy.

A short time previously a fight occurred on Republican River, Kansas, between Piah's band of buffalo hunters and a party of "Araps" under Chief "Moonface." The Utes were victorious and took three scalps, among them that of the chief. Mr. Curtis (their interpreter), D. C. Oakes and Dave Cook (sheriff) persuaded the Utes to honor their victory with a war dance in Denver.

They enlisted the co-operation of Bartholomew, a great animal trainer, who offered his tent for the exhibition. They then approached Major Thompson (Indian agent) for permission to open the performance, who objected, but finally agreed to abide by the decision of the Commissioner of Indian Affairs. The latter telegraphed as follows:

"Prevent the exhibit at all hazards. It will arouse the jealousy of the Arapahoes. Call on U. S. Marshal if necessary."

Meantime, the promoters decided not to wait and ignored Mr. Thompson altogether. He thereupon called on the marshal, who refused to act; next, he went to W. A. Smith (town marshal), to whom he showed the order from the department, and was only laughed at. Said he: "You put that order on ice." Major Thompson retorted: "I'll put you where there ain't any ice if you permit a violation of this order."

Meanwhile, Piah at the head of his band, accompanied by Curtis, Oakes & Co. in plug hats as a rear guard, started marching down Fifteenth street, arranging their route so as to pass Major Thompson's office and run a bluff on him. But the Major was laying for exactly that sort of maneuvering, and when the psychological moment arrived "called their bluff" by jumping out in front of Piah with a loaded revolver in each hand and shouting at him to "vamoose presto!" They promptly "skidooed," and so precipitous was their panic that the rear guard was overrun, losing all of its dignity, plug hats, etc., and upsetting many lamp-posts before they pulled up at the suburbs.

Had this performance been allowed to materialize, it would not only have antagonized the Arapahoes, but the Cheyennes, the Kiowas and the Comanches as well. Meanwhile, Curtis and the U. S. Marshal received from Washington one of those mysterious yellow envelopes informing them that their services were no longer required.

# CHAPTER III—1871 AND 1872

## *Appointed Chief Cook*

I HAD heard much from Mr. Thompson about the beauty and attractiveness of the Cochetopa mountains and the adjacent Gunnison country, consequently, being anxious to go there, I asked and obtained from him a letter of introduction to his brother-in-law, General Adams, who was shortly to become Indian agent at the Cochetopa hills.

In conversing with old frontiersmen I got the impression that the whole "Western Slope" was a hunter's paradise, a region fit for the gods, etc., therefore, excited to the highest pitch by the workings of my fertile imagination, I remained but a short time in Denver after the removal of the Utes therefrom; just long enough to see the last of them pull out. Moreover, I felt no further compunctions or concern as to their personal failings and faults, for I knew that the new order of things was going to be good for what ailed them, for, in the wilderness they would again be back in their native element, furthermore I had become somewhat domesticated among them, and was rather fascinated by their wild life; therefore, when they left I almost ran after them, bearing such a load of castles in my head as would have puzzled Hercules to carry had they been constructed of any other material than air.

On arriving at the agency I was at once introduced to the culinary department, that is to say, I became chief cook and bottle washer.

General Adams' predecessor in office was the Rev. Jabeze Neversink Trask, a very peculiar personage both in name and character. Likewise, too, as much out of place in the position of Indian agent as were he the devil and placed in charge of a powder house.

It was Mr. Trask's cook that I had come to relieve from duty, but on seeing Mr. Trask standing in the kitchen door, I mistook that gentleman for his "chef" who was then outside butchering a calf. I thereupon informed Mr. Trask that I had come there to take his place at "slinging hash." Mr. Trask did not at first grasp the idea that I was "it,"—"the hashee;" not until I appropriated an apron did he realize who I was. I had been told by the commissary to peel a tub of potatoes that stood in the doorway, so I commenced right at the score and did up "the spuds," Mr. Trask eyeing me the while through a pair of enormous green goggles which somehow got onto my nerves. I had peeled, perhaps a half-dozen "spuds" when he very deliberately picked up some of the parings and spreading them out in the palms of his hands, remarked that

I was wasting a good deal of potato in the careless peeling thereof. Evidently, Mr. Trask was somewhat of a crank, and a very penurious crank at that; besides, my "detail" was in no sense any business of his. However, I said nothing, got my job done with, and the pot boiling good and strong by the time that the ex-cook came in with a calf's liver "qui vive" for our dinner.

It was understood at Washington that the Rev. J. N. Trask had been sent to the agency, not so much because of his peculiar abilities, if he really possessed any, but rather, on account of his sterling honesty and guileless simplicity of character, a novelty, by the way, in this age of incorrigible grafting. His ancestry was of the "Bay state," all fisher people, as far back as the old primitive "cod-fish days" of the original Massachusett's Bay Colony; consequently his antecedents were "gilt edge" and wholly unexceptionable.

It was contended that Mr. Trask was a deadly enemy to the "grafter," but he looked for one in every bush, and therein was a law unto himself as a chronic graft exterminator. His policy, too, as an agent was an indiscreet haste to civilize and christianize the Utes all in a day. It was his one supreme hobby; a relic of old-time Quakerdom, to which he gravitated at all times, like the needle to the pole, no matter into what crazy pitfalls it invariably led him. Furthermore on account of his absurd eccentricity of dress and general style of bearing, he speedily became a butt of ridicule for all of the "guys" in the Ute nation. Indeed, he had been at the agency but a few days when some of the more hilarious "bucks" treated him to an extended ride upon a rail. Commenting on this episode afterwards, he remarked, "It was my first free ride since I left Denver."

By citizens of Saguache he was reputed to be crazy and, indeed, for a year past the Indians themselves, with Ouray at their head, accused him of trying to starve them.

At the start it was recognized by Ouray that Trask was somehow a misfit for the office, a certain hesitancy and indecision of character caught Ouray's attention, and more than once, when business promptitude was demanded of him, he was invariably slow and ineffectual to meet it. Manifestly, too, at the outset with official instructions before him, posted in a conspicuous place, he should not have waited to be told about everything, as if it had to come from Washington, as, for instance, when notified by the Denver banks that certain credits had been placed there at his disposal, his plain duty was to have immediately advertised in the Denver papers for "Proposals for bids for Indian supplies." Instead of doing that, however, the aforesaid credits together with a small balance left over from the previous agent's disbursements, were carefully "covered in" by him to the credit of the agency's funds and, like the Denver general fund, left securely locked up, apparently for all time.

It was most emphatically fortunate for Mr. Trask that the summer time of that year, 1872, witnessed the end of his erratic administration, otherwise his crude, arbitrary and ineffectual business methods would have assuredly landed him in an outbreak.

The most pitiful person in the world, the one who most excites our sympathies is the poor but proud aristocrat, the decayed gentleman who has seen better days, and having fallen dwells on the glories of his past instead of struggling where he belongs to rise again.

To say that Mr. Trask was crazy would not be in strict keeping with veracity, for he possessed certain qualities of mind and heart that were creditable, albeit his sad lack of tact and business ability left him poorly equipped to grapple with the cold, the heartless, the striving world.

The misconceptions of his mentality, no doubt, arose from this latter cause, and might also be ascribed to certain other eccentricities of dress peculiar to Mr. Trask. By no means the least noticeable feature of his "personnel" was the singular style of his garments, the cut of which was certainly far from being American, as for instance, his swallow-tailed coat of navy blue, with impossible brass buttons, trousers of like material but fashioned after the style in vogue about the year 1848, skin-tight above and below the knees, and flaring out, funnel-shaped at the ankles, so palpably ridiculous that the spectacle was purely a matter of laughter; green goggles (previously mentioned) for eye glasses; a buck thorn walking stick, and an old-fashioned beaver hat, with a devil of a broad brim for head gear.

His appointment was made under the auspices of the Unitarian church, through whom he was backed at Washington by some very strong letters. Notwithstanding that he was a nine days wonder to the clerks of the Interior Department, he promptly received his credentials and started for Colorado, the Government receiving credit for free passes furnished him by the railroads as far as St. Joseph, Missouri. From thence to Denver he paid his own way. On arriving at Denver he proceeded to Governor McCook's headquarters and reported for duty. McCook's reception of him was courteous and cordial. Trask was then turned over to his bookkeeper, and that gentleman fully informed Mr. Trask as to various matters under the head of Government accounts.

After Mr. Trask had familiarized himself pertaining to these official technicalities he was anxious to be off to the scene of his future duties, but instead of waiting for the carriage transportation which McCook was trying to arrange for him he pulled out of Denver and "hiked" it afoot all the way to Los Pinos agency, a distance of two hundred and fifty miles, the Government again receiving credit for free transportation, as per "Walker's express." For Mr. Trask's mileage, see Report of the Commissioner of Indian Affairs for the year 1872.

I have mentioned Mr. Trask at these lengths, not that I would drag down his character, but out of sympathy for the cause represented, and at the same time to correct the popular error that Mr. Trask was a Quaker, for he was not, although his ancestry were of that denomination.

It was the Unitarian church of Boston that was responsible for his appointment, but they were quick to see their error in Mr. Trask's incompetency and made amends for it in recommending as his successor General Charles Adams.

Adams brought to his new office a varied and valuable experience of Indian nature, gained by years of association among the wild tribes of the Southwest while engaged in military service at Fort Union, New Mexico. The Utes, Navajoes and Apaches all knew him, therefore it was most consummately to the interests of the whole service that Adams came here at this very time (1872), for a man like he did not have far to go to regain by tact of management some advan-

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tages, that, as between the above tribes, had been previously risked by inattentive and inexperienced agents.

On relieving Mr. Trask, Adams found $25,000 to his credit, the sum total of Trask's providence, kept "not wisely, but too well."

All of the old hands that had so faithfully served Mr. Trask were discharged by General Adams, except one. This one exception was a cowboy named James P. Kelley, who had charge of the cow camp on Gunnison river. Later on this position was assigned by General Adams to Mr. Alonzo Hartman. (Alonzo Hartman is now a leading stockman of Gunnison County.) Kelley was retained to assist him. Herman Luders (subsequently Colorado's State Secretary of the State Capitol Building Association), who was Adams' private secretary then, became general manager of the camp, theoretically speaking, to keep "tab" on brands, accounts, etc., Hartman being, practically, the "head push."

Notwithstanding that I saw in some of these arrangements a something that inspired me with confidence in the hope that I, also, would be amongst "the elect" as one of the cowboys, galore, yet it was not to be. Not so easily was I destined to throw off the yoke of slavery to pots and kettles. Emancipation for me was only to be obtained through a bluff, but instead of making a "kick" right off, I deferred it, and pretended by my actions just as if Providence had placed me where I was as for some sort of a special dispensation. Just the same, however, I made up my mind to have a day of reckoning with the Department.

In further dwellings upon my situation there yet arose still another phase of it, which, although it annoyed me, yet I affected to ignore it, as for instance, I was off color, so to speak, with some certain Indians, especially the Denver Utes, who looked upon my avocation, as something that belonged by its very nature to a squaw's duties, therefore, on account of it, I was dubbed "a squaw," and inversely, lost much of their respect. For that matter I had lowered myself so much in their estimation, that whenever any of them came around I was supposed to be dead, or else, if they deigned to notice me at all, it was because of the fact that what I was doing for the agency must necessarily be extended to them likewise, for, according to their way of thinking "a slave to the agency" was necessarily a slave also for the rest. In other words, I was "it" in great big letters.

However, I continued to perform my duties with unabated cheerfulness and faithfulness unto the end, and was always looking forward to that fullness of time, wherein I might shake the dust of the agency off my feet, and hike out for Gunnison's green pastures. As for "the rest" I never gave them a second thought, beyond mentally consigning them, one and all, to a far distant but well-known locality.

In due course of time after having written informally to the Commissioner of Indian Affairs asking for a transfer from cook to cowboy, I was informed "it was contrary to regulations that he should give me such transfer seeing that my name was not registered," therefore, I had no standing, no identification papers. Not in any case did the names of cooks, as such, ever appear on the Department's roster, and this, too, for the reason that the Department's regulations did not provide for cooks at agencies, that under the sequence of cause and effect, custom had made it a law that agency employes invariably organized "a company's mess" and hired their own cooks.

I had been expecting some such answer as this, and was prepared to act on it accordingly. Then by dint of perseverance through certain influences that I set in motion as through a wide circle of officials, that were friends of mine, I got all of the agencies, indiscriminately, to the number of sixty-two, to join together in a united "kick" for Government cooks. It was like a "strike" only that it partook more of the nature of "a grandstand play," than as a mere labor disturbance. Furthermore, it was "the posts' kick and the Government's treat," and the way in which those same kicks became repeaters was not slow. Then there was something doing, for it had got through the thick hide of the Chief Commissioner that the aforesaid "kicks" emanated from real grievances, and that the same called for concessions, as per, to-wit: "that each and every 'post' was indeed entitled to a Government cook." Accordingly the regulations were cancelled and the Board of Commissioners allowed "the posts" to have their "needings," or in words to that effect. Thus, "the grandstand play" won out.

"The new broom swept clean," and I accordingly handed it out to the new cook, thereupon, to get duly registered, to have my resignation accepted, and on top of that to get my "transfer" from cook to cowboy, countersigned, was but the work of routine, and thus, at last, was my exit to the Gunnison made safely through difficulties—*ad astra per aspera.*

A whole year spent in cooking had served to whet my appetite for an out-door life, consequently while at Gunnison I made the best of it.

I had painted the average cowboy's life according to two methods: first, there was the stage method. According to that, each character was at first to be duly marshalled and ticketed, so as to know with an absolute certainty that when a crisis was at hand each one would appear and act his part, and when the curtain was rung down all wound stand before it bowing "a-la-

Buffalo Bill." There was to my mind a sense of satisfaction in this and of completeness.

That there was in the background, a second method, I fully realized, but I did not then understand the paraphernalia—the method of life that all "cow-men" lead.

Here, nothing could be prophesied, except that it was a life of hard knocks, as well as a life of toil and of sacrifices, therefore, before my advent on the Gunnison came about, these stage effects had to be amended in a new setting to suit the real life of the cowboy.

Then there was a strange coming and going effect. Men appeared and reacted on each other and passed away, and when next the curtain arose it opened to view the foothills of a new reservation, west of the 107th Meridian. But enough of this, for I am getting ahead of my story.

The old, old story, that "two is company, three is a crowd, and four not allowed," became an established fact for Kelley and I at the cow camp, seeing that Hartman was called to the agency to act as commissary, while Herman Luders took a four months' leave of absence to go to Europe. The summer and fall's work had all been done up, therefore Kelley and I had unlimited leisure for hunting and trapping. Beaver and otter, as well as mink, badger, etc., were then plenty both on the Tomiche and Gunnison. Kelley was well versed in all the arts of woodcraft, as well as being handy at trapping. As it was a good fall, too, for our purposes we had fair luck, with promises of more to come during the succeeding winter. Our Sundays were usually devoted to chasing coyotes. An elk hunt, too, that we had been talking about for a long time previously, was booked for a winter day's sport when the time arrived, at which snow would drive them down into our valley.

We had promised General Adams, "con amore," a likely set of horns, as a gift in his name to the Congressman from our district.

As a rule, it was not till after several successive snowstorms had completely whitened over the Elk Mountain Range that they came down.

## CHAPTER IV—1874

### *Become an All Round Sport and "Broncho Buster"*

CHRISTMAS tide was fast nearing its evergreen shore throughout the wild and wooly settlements bordering on the reservation, and winter, at last, with its icy fetters had settled down on the valley of the Gunnison.

The waning light of a somewhat stormy evening was drawing to its close with not much lingering in the way of twilight, and while yet it was but early candle-lighting I stood in front of our big fire place kicking at its logs to see the sparks fly upwards, while Kelley was autocratically fumigating his thoughts with rapid puffs of smoke. We had been discussing the most approved methods of elk-hunting. Although novices at this particular kind of sport, yet we were well aware, too, that our job presented some dangers as well as difficulties, but as there was no way of getting away from them we concluded that we might as well go right up against them, for we had firmly decided that *the goods must be delivered.* While differing on some minor details pertaining to our proposed hunt, yet, we were well agreed upon one subject which was to remain mounted on our horses whenever a close encounter was imminent, also, seeing that they would not stand still under fire, therefore, we resolved to do our firing on the run, and trust to luck to make our shots count. For that matter I had done some practicing on my steed by firing at a slow walk, resting my rifle betwixt his ears to steady my aim. Kelley, however, was disinclined to favor this practice of mine, and frequently warned me against it by saying, "Sid, if you ever burn a horse's ear, you never can shoot off of him again." Well, our plans were, at last, fully agreed upon, for, indeed, we had been discussing them for a month previously.—An elk must be found!

Accordingly, on the day after that which followed, on account of Christmas intervening, we got an early breakfast, and then saddled up, taking along with us our two dogs, "Swipes" and "Snooks." Then we cautiously glided up stream to where on the west side of the Gunnison the Government herd was grazing, for among our cattle was where we expected to find that elk. We had seen one with our stock on the day before. He was still there, and grazing quietly on a south hillside. Had our horses not betrayed our stealthy approach by noisily breaking through the crust of the snow we might possibly have stalked him as was our intention, but it was all off now. With a loud snort he recognized our presence and at once made a wide detour around us. As he struck out, "bearing his branches sturdily," his splendid muscular action indicated a buck in the prime of life. We chased him across the flats towards the river, and in the direction of camp, our dogs meanwhile closing well upon his heels.

It became evident that he was making for the "old Government crossing" which was now badly gullied by the previous summer's washouts. Not a sign of its broken banks, however, was now visible, for its abruptness was most completely garnished by enormous drifts of snow. Heedless of that, however, our elk cleared them in four bounds. As he did so, two rifles cracked simultaneously. One of our bullets struck him in the antlers and staggered him in the fourth bound, but only for a brief instant, for, he hit the ground running with scarce diminished speed, going like an arrow straight away over the hills, the fields, and the meadows. A second later as our horses neared the crossing it became evident that we, too, would have to clear its banks as did the elk in a series of bounds. Indeed, we were going at such a smart pace that we couldn't have done otherwise. I can convey no better idea of the jumps by which we cleared the nigh bluff than by mentioning that I felt the same sharp thrill up my back that one does when coming downward from a considerable height in a swing.

In another instant we cleared the off bluff through the gap left us by the elk, which seemed to break ranks for us in a fog of whirling snow wreaths. Gaining the open speedily, our dogs far in the rear, we soon espied our elk going like a catapult straight up the steep sides of the mesa or table lands east of the Gunnison. Here we did a little finessing for the lay of the land up there necessarily compelled him to double on his tracks, whereupon he would be compelled to meet us again at almost point blank range, and where our route would lay at a tangent with his. As he neared us, therefore, we gave him another volley but our shots, owing to the high speed of our horses, passed harmlessly over his head. Immediately he side-stepped us on a nearby track, making it around a point of rocks that formed the keystone of a crescent-shaped spur, that abutted backwards so as to form a pass leading onto a benched slope, which a few rods outwards precipitated downwards till it became a part of the abrupt cliff-line skirting the Gunnison. As he bolted through the pass we promptly flanked him, taking our stand squarely across his trail, thus barring his retreat to the back country.

He was not long in finding out the trap into which he had got, and his blood was up. Then we had to fight. It was the most exciting time of our chase, for in less time than it takes to tell it, he was right back at us, snorting, and with lowered horns. I fired first but missed my aim, and Kelley did even worse than I, for he had gotten a cartridge fast in his magazine. Thus the fight was left to me single-handed. Before I could shoot again, however, my horse wheeled suddenly and let fly a pair of iron heels, that crashed against the elk's horns. Their impact served only to check him momentarily, but to me even that brief moment was sufficient time to allow our dogs opportunity to mingle in the fray, which they did by harassing his flanks. Unfortunately in this mix-up, I dropped my gun. Owing to the great depth of the snow, too, our dogs were handicapped in this unequal contest, for he trampled one under foot and hurled the other high over his head. Then recrossing the gap he regained his freedom.

Getting things O. K. again was but the work of a few minutes and finding our dogs none the worse for their 'shake up,' we started to follow the elk's trail. He was out of sight behind the upper bluffs by this time, but could not have been far beyond our 'ken' for the enormous depth of snow.

Somehow, or other, our trailing of him this time lacked that exultant expectancy that had previously characterized our pursuit. It was palpably useless to even hope for another shot, so we now followed his trail somewhat mechanically, more from curiosity to determine in which direction he was heading, than because of any latent hopes we might entertain of again corraling him. It was not till late afternoon, therefore, that we made any further interesting discovery concerning his final destination, but we kept on going until, by dint of much laborious climbing, we at length reached the rounded dome of "cap rock" that formed the upper stratas of the 'buttes,' and from there gained an extended view of the landscape in our foreground, where we at last caught sight of the elk many miles away apparently breaking over to the back country. But after watching him for awhile through our glasses, we decided that we were mistaken, for after crossing the valley that lay in our front he turned aside and passed down another valley, that joined in with a third, through which ran a tributary out to the Gunnison. Our glasses also revealed an Indian trail that paralleled this tributary. Evidently he would take that trail, and return to the river. Therein, too, lay his fatality, as was subsequently proven by the sequel which followed.

On the off side of our lookout Kelley remembered where there was a cave, so we repaired thither seeing that just below its mouth, there was, as he termed it, "a summer hillside," where a few tufts of grass yet lingered, and where we could turn in from the unlovely winds which incessantly howled up from the lower canons. At the mouth of this cave, therefore, we unsaddled and fed our horses their customary oats, then lighting a camp fire we settled ourselves down for a comfortable smoke, our dogs, now throughly played out, lying prostrate in the glow of the ruddy blaze.

It occurred to us while journeying hither that we might discover an available outlet off of our mountains' steep sides by which we might descend to the Gunnison and thus obtain a short cut to camp. In looking about with this end in view, there loomed on the distant horizon a faint column of smoke. This discovery did not at first impress us as being any more than ordinarily significant, for our thoughts were centered about the finding of a short cut homewards, and our imaginations were yet active as to our elk's final destination, whether down the river or back up again to our winter range; this, to the exclusion of everything else. Our searchings for a short cut revealed the exasperating fact that the snow was too much drifted on the 'lee side' of our 'mesa' to permit us to break a new trail homeward, therefore we decided to return by the way whence we came. It was a most disagreeable feature of our hunt to dwell upon, for it meant a much belated return, and furthermore, in case our horses gave out that we should have to dismount and "drill it" from there to camp. While resting up and by way of a diversion to disabuse our minds of this discouraging impression we again approached the brink of our look-out to observe, if possible, any further signs of our elk, and, strange to say, saw him for the last time, in the dim distance crossing the Gunnison. It was only by the use of our glasses that we sighted him, and casually, as we did so, we focussed our gaze sidewise and again noted that murky column of smoke, now more clearly defined than when it had at first appeared. While sizing up its vagaries we gradually took in the vast panorama of that Gunnison landscape. For hundreds of miles to the westward there was an endless chain of white peaks which doubled and redoubled on itself in relentless regularity, mountain rising above mountain; a veritable sea of mountains whose white-topped waves were sorely vexed by contrary winds.

Against the afternoon's sunlight that faint column of smoke seemed like a landmark, a beacon, so to speak, and casting forth its sinister notes of warning across that improvised ocean, but what it was "that its wild waves were saying" we could only surmise. Possibly it came from some lonely miner's tarrying place, one of the many thousands who annually roam over the desert places of the wild West in search of they know not what, gold, perhaps. Certainly, not in any case could it have come from an Indian's camp fire, for no Indian that we had ever heard of ever wintered in that realm of ice and snow, "the Continental Divide."

Our return trip, contrary to our fears, was unattended with any serious mishaps such as we had anticipated, for our horses having become somewhat refreshed by their long rest and feed were equal to the occasion, carrying us safely back to camp in the early hours of morning. As we neared home a thousand coyotes, for so it seemed from the noise they made, hailed our early approach by giving vent to one of their 'after midnight' serenades. As Kelley remarked, it was their "shivvoree" as if in mockery of our unsuccessful day's hunt. For that matter, I may say, too, that it turned out as I had anticipated, great fun but very poor sport.

Notwithstanding that, however, the sequel to our story had yet another ending, an altogether different finale. Like a twice told tale it wound up in that elk's final overthrow. In crossing the Gunnison treacherous ice, the result of a thaw, had so undermined his footing that he got into deep water. Even then as he sank to his neck in the chilling current he might have recovered himself had he not caved in at an eddy where the whirl of waters had entwined some tangled willows around his hind legs into such a snarl that his struggles to free himself only caused them to tighten their grip. He had evidently made frantic efforts to break loose from that deadly embrace, for the ice around him for many yards had the appearance of having been pulverized into mush during his death struggles. Thus, at last, had he perished and that, too, within a mile and a half of the "old Government crossing." Ere we discovered him three days had elapsed after our chase when a hard freeze intervened so that he was frozen stiff, almost petrified in the solid ice of the river. His huge crest of antlers towered six feet into the air looming tragic above his ice sepulchre. Though seen at a distance it was his head-gear that attracted our attention and led us to the spot. There, too, at the base of his horns was the bullet's crease that had staggered him at our first round of shots, also the dismembered spur off another prong where my horse had kicked him in the fight.

Thus, after all, and at our very feet lay the prize which we had so striven for; those antlers! the crest of an undoubted champion. To say that we felt gratified is to put it mildly, but somehow, at the same time we felt sorry for that elk, sorry to find him thus fallen so ignominiously from the high estate of elkdom. In course of time the horns were duly presented to our Congressman through General Charles Adams.

# CHAPTER V—1874

## *Starving Prospectors*

BETWEEN two days, and lacking but one day of grace of being the old and new year met, which, therefore was due on the second consecutive morrow, there came to our lonely cabin on the Gunnison a visitor, otherwise the compliments of the season would have passed us by unnoticed.

That mystery of smoke as seen from our lookout station four days previously was solved this day by a startling knock on our cabin door. On opening it a man was standing there supporting himself with a stick, and behind him was yet another, leaning heavily against a tree.

We brought them inside and seated them in our chimney corner. Both of them were very much emaciated and exhausted. The warmth of our room, combined with their previous momentary excitement had somehow overpowered them, especially so, the second man, who said his name was Burke. The other's name was "Lot" (Loutsenhizer). I had just time to grasp Burke by the shoulders ere he fainted and was about to fall. The other, "Lot," sat with bowed head at the fire place. A memorandum book had fallen out of Burke's pocket which Kelley picked up.

They succeeded, at length, in telling us their whole story. It was bit by bit, and in broken and fragmentary sentences. Emphatically a harrowing tale. It appeared that there were three others very much weaker, who had not yet come up, but who had preferably camped behind in the brush. For three weeks past all had been at death's door, when, one day, the man whose name was Burke indicated to "Lot" where there was a coyote, whereupon "Lot" killed it. In the coyote's mouth was a sheep's shank; this and the coyote served the crowd for five days' rations.

Evidently this incident of the coyote and his proposition of a "shank" was regarded by the outfit as something providential for they repeated it to us several times over, and again, afterwards with a minuteness of detail that was pathetic.

Kelley meanwhile had a meal ready for them, but their stomachs seemed to crave no cooked food. Luckily for them, Lot had shot a cow that morning and when Burke cut her throat they all crowded around and drank of her warm life blood which thereby saved their lives.

Towards evening Jim and I hitched up a sled and loading it down with provisions, tents and blankets, proceeded down to the river to where they said their comrades were camped. It was about two miles distant. On approaching it we saw in the foreground a man of dishevelled appearance standing with a coyote's head between his hands. His eyes fairly glistened with childish delight when he saw us coming. The rest were hidden from sight behind a bunch of willows and probably slumbering when the noise of our approach awakened them. It was a hard looking outfit, clothes all ragged, and out at the knees. As they seemed inclined to remain where they were, we allowed them to do so. Meanwhile, after pitching a tent and providing a lot of wood for their camp fire we returned homewards.

That memorandum book now in Kelley's possession, proved to be a diary, kept in Burke's handwriting. An entry in its pages showed when they began to count the days that lay between them and final starvation. A grewsome calendar it was. Among other items was an entry concerning the coyote, of how persistently they had trailed him down hills and across valleys, till, at last, coming up with him he was their prey, though but a bunch of bones and a shank of carrion. Another page was appropriated by a single line and dated significantly, "the beginning of the end, December 23, 1873." But before that end came a supplement was added (this on a page by itself) which quoted "Lot's" finding the trail of our elk. This episode of their long march, according to Burke's entries, had made frequent appeals to their pride, but by that time they were just about all in. Its effect, however, had, at least, aroused them from their stupor, and awakened a little languid curiosity. Was it the trail of a cow? Chief Ouray had told them of a cow camp (which was ours). (Their rendezvous prior to starting on this cross country trip was at Chief Ouray's camp on Uncompahgre river.) The remembrance of this assurance served to let a little light into their benighted skulls, whereat, they nerved themselves to make one last supreme effort to reach us. Pretty soon they saw that cow, which cow's life blood, when killed, as we have seen, had rallied them. Beyond there and not a stone's throw off, at a bend in the river, lay the elk's carcass. "Lot" and Burke soon found that and thence our trail home.

With but a single exception the same hardships and privations as those experienced by "Lot's" oufit were avoided by the various subsequent parties that came our way that winter. For that matter, all save one "outfit" took the same route as did Lot. All belonged, primarily, to a larger outfit consisting of twenty-one souls, which outfit, had congregated with Chief Ouray who housed and fed them.

It is on record that Ouray in his kindness of heart earnestly desired them, one and all, not to risk an inter-mountain trip at that time as all indications pointed to a very severe winter with extraordinary snow falls. But Lot's party averred that there were so many of them (twenty-one) it looked as if they would eat the old man out of house and home.

The remainder of the original crowd, or about half of them, after Packer's outfit of six pulled out, really acted on the above advice and remained with Ouray till spring opened. The crowd escorted by Packer, never reached us at all, but were lost. According to statements made by those subsequent outfits that came through at the end of March, Packer's crowd should have reached us not later than a week behind Lot's outfit.

For that matter, Lot and Burke averred that the Packer crowd came near joining in with theirs, but deferred till a week later on account of some rough words that had been passed up to Packer by Lot. While yet they tarried it was characteristic of Ouray that he almost persuaded them to remain with him, but seeing that they were at last determined on going, he besought them as he had likewise done the rest, "not to lose sight of the Gunnison."

Whether this outfit was under the evil spell of Packer's diabolical spirit, or whether they were lost, will never be definitely known. At all events Packer repeatedly declared that he knew of a "cut-off" that would materially shorten their route, but Ouray had steadily warned them against "cut-offs." Indeed, no such "cut-off" exists today. However, it is altogether probable that they were bewildered and lost in storms such as were so trying to Lot's party.

The Packer crowd individually, were men (Packer excepted) that were well liked by the rest. Furthermore they severally represented what little cash capital the "outfit" at large was credited with. Although it amounted to but the paltry sum of eight hundred dollars, yet, on the side, it had an intrinsic value greater than its nominal value, inasmuch as it stood security for a lot of energetic prospecting, in embryo, pending their discovery of gold.

Any one who has prospected remembers the feeling of despair that comes over him when winter is near, and nothing has been found. In a similar mood our proteges "banked" not a little on the financial standing of their comrades, and at odd times were correspondingly solicitous as to their personal safety. Nevertheless as the weeks grew into a month, and other weeks added still another month, and yet no tidings of either good or ill repute came to hand, Lot's party grew tired of waiting and watching, and accordingly pulled out for the agency preparatory to crossing Cochetopa pass, and thence to the mines.

Summarizing as to the antecedents of this crowd, as a whole, a brief introduction by way of their retrospect will make some points clear as to their life story. To begin with, it appeared that they came from Salt Lake, and that while stopping there, the *Salt Lake Tribune's* glowing accounts of "Summit's golden harvests" in Colorado had fired their imaginations with the zeal to get there. It was a trip of five or six hundred miles, but all the same, distance, to them "lent enchantment to the view."

Sensing the adage that "birds of a feather flock together" our protegees put up at a miner's boarding house, hard by the *Tribune* office. The landlord of this boarding house learning of their destination informed them that there was a man in the "chain gang" working on the city's streets who knew all about "the ins and outs" of Colorado, this was Packer; that if they would but pay his fine he would be released and would prove a valuable guide to them, entirely devoted to their interests in their quest for gold, etc. Accordingly his fine was paid, and Alfred Packer then became the twenty-first member of the gang.

In the aggregate, miners and prospectors had so constituted this "outfit" that it represented both professions as about in the proportion of half to half. Many think these names synonymous but they are not. A miner is one who works in the mines, has a home and labors for wages. You are liable to find him in the same place month after month. The prospector is one who will not work in a mine any longer than it takes to earn a "grub-stake," or else he gets some one to "stake" him.

At last they got started and as they hit the trail the slogan was "Summit or bust." They were after placers, proper, for the papers had told them that the "findings" were rich, but that they lay on the eastern slopes of Colorado as already intimated, and therefore, their trip would necessitate crossing an Indian reservation. It was for this latter reason they had banded themselves together as a unit, collectively, although for that matter, they need not have concerned themselves about Indians for the mountain tribes (the Utes) were at that time uniformly well disposed towards the whites.

Many weary weeks were spent in traversing the dreary, trackless wastes that lay between the confines of Mormon settlements and Green river. To their surprise, on arriving at the Green they found it to be a stream that was wide and deep so they camped there to build a raft, on which to cross over after the manner of a ferry.

So faulty, however, was the raft's construction that it developed a curvature of the spine about mid-stream where the rapid current caused it to change end for end and thereby it shipped such a heavy sea, that their little stock of provisions and a large portion of their "dunnage" went kiting off towards the Gulf of California. In like manner, owing to the unwieldy shape of their raft they failed to make a landing on the opposite shore at the point aimed at, and passed many miles down stream off of their direct course ere they came to anchorage.

With heavy hearts they again tramped across the desert on the road to Grand river. Ten miles a day was their average progress. But good luck was in store for them in the course of a week, and that was when they were within two days' journey of the crossing where they met two teams that were going their way, albeit not necessarily to the mines, but to that neighborhood, therefore they loaded their "dunnage," such as it was, into the wagons, and took turns at riding to relieve each other in walking.

After fording the Grand the outfit camped to rest their teams, choosing their bivouac on a site nearly opposite to where Grand Junction now stands. While encamped they received a visit from three Indians who informed them that they were in Chief Ouray's country and that it was three sleeps to his wig-wam, near the present site of Montrose.

They all had heard of Ouray and were rejoiced to learn that they would soon enter the shelter which his camp would afford them, for it was getting late in the fall and moreover they were footsore from their long and arduous journey.

The old chief, as we know, received them kindly, listened attentively to their recitals of hardship in coming through southern Utah, was sympathetic with their ambitions but expressed in a warning voice his disapprobation of their foolhardy enterprise in attempting at that late season to cross the higher ranges of mountains, pointing his moral with the fate of a similar expedition on a like errand, twenty years previously. However, they remained with him three weeks, that is to say the prospectors did, while the others, that were the miners proper, to the number of ten, remained with him well into the early spring which followed.

# CHAPTER VI—1874

## *Alfred Packer; Departure of Our Guests*

NINE weeks of resting at our camp had the effect of restoring Lot's party of prospectors to their normal physical condition. During convalescense some of their eccentricities were interesting but to have made fun of them would have betrayed a great want of good manners on our part.

Although spring was well advanced and the snow rapidly melting under the influence of a noon day sun, yet there were many drifts left, so that the Cochetopa trail was still a hard proposition to go up against.

However, though destined to undergo a rough trip, it would not cost them the struggles and privations that they experienced on the Gunnison trail. "Lot" was still their leader but this time he had wisely provided himself with a pair of snow shoes (skees), while Burke had outfitted with a pair of "web-foots." The balance of the crowd under escort of Burke fetched up in the rear, "Lot" acting as an advanced reconnoitering pilot, going from one mountain top to another so as to take in all the high places and everything between.

Their itinerary was like unto history repeated within itself; of getting lost in storms; out of "grub;" snow blind, etc.

On what slender threads human lives are sometimes dependent was strangely emphasized on this, their second trip, by a woman's dream. The dream as it occurred to her, (Mrs. General Adams) is given herewith in her own words: "One day in March, 1874, while my husband was Indian agent there occurred the most surprising and ghastly incident within my knowledge. A cloud, one of the phenomena of the Western wilds came floating slowly from the mountains and gradually enveloped the whole place. We could scarcely discern objects a few paces distant. I had dreamed of this the night before, and now it had come to pass.

"My spirits were depressed and I was possessed with the idea that some one in great distress was near me; some one lost in the dense fog and pleading piteously for help. I expressed the presentiment to the men at the agency but they ridiculed me. I told them to swing a light on the highest point; it might prove a beacon to some forsaken wanderer. They only laughed at me, and said what foolishness. Then I want to be foolish, said I; and seeing that they would not comply with my request I called my son and commanded him to place a light on the top of Ouray's house.

"The atmosphere continued surcharged with murky vapor until late in the evening when the clouds suddenly lifted and the great round full moon threw a silvery light over valleys and mountains.

"About this time the mail carrier arrived and the men eager for news from home gathered around the table to watch the distribution of letters and papers. The Indian boy, 'Antelope,' one of the agent's adopted waifs, with a startled look on his face rushed into the room and exclaimed, 'Oh! Seignor! White man heap hungry.' We turned and saw a haggard hungry face pressed against the window but which quickly disappeared. The poor man had fainted. The men brought him in and with the return of life he talked in an odd fantastic way peculiar to the maniac. It was evident that his mind was wandering. We bathed his eyes in warm milk, gave him nourishment and a comfortable bed.

"The next morning he was in his perfect senses but very weak. When restored he spoke appealingly for his comrades back on the trail. This was Lot, their dauntless leader. The men cast distrustful glances at each other but General Adams at once said we will send for them, and asked who would volunteer to go for the lost men. My son, Willie Phelps, said he would go and then the bookkeeper (Herman Lautter, acting bookkeeper during the absence of Herman

Luders in Europe) spoke up and said he would accompany him. They were given a can of coffee, and a can of milk and a bag of provisions, whereupon they started amidst cheers and blessings. General Adams' parting injunction was that they should go no further than the forks of the trail and return on the morrow.

"On arriving at the above junction they built a big fire of logs and sticks, hung the sack of provisions to a limb out of reach of the coyotes, drew a map of the route to the agency, nailed it to a tree, and as nothing further could be done returned to their home.

"Lot's subsequent experiences after leaving his companions came very near resulting disastrously. Being partially snow blind he broke one of his snow shoes by running against a rock. This accident plunged him into the deepest dejection; he threw away the remaining shoe, and sat down upon a stump to reflect. Before many minutes had elapsed he realized that he was being surrounded by fogs and flying mists and took to rustling firewood preparatory for a night of storm and terror, using the stump for a back log.

"Sitting all alone on the mountain, disconsolate, he felt as if God and man had forsaken him, when as through a rift in the fogs he saw a light that went up, up, higher and higher, until it remained fixed. Can it be the moon, he said. He sprang to his feet and after going a few paces heard the welcome bark of a house dog, and then struck out luckily finding a broken trail that led him to the 'post.' "

The next day after his arrival, Burke, much exhausted dragged his weary body into the agency. At sight of him, Mrs. Adams was moved to tears. Don't cry he said, why I had a good breakfast this morning, and then told how on leaving his other companions, for the time being, he pushed on up the creek (Cochetopa) till he came to the "forks" and there saw the fire, sack of grub, etc. Hurrying back to his companions he told them of his discovery and of the notice on the tree giving the distance and route to the agency. Before the shades of another night had fallen the rest of them made it to the "post." So the light that was scoffed at was the means of saving their lives.

As a presentiment the foregoing circumstances were at least remarkable.

Jim, Kelley and I were again keeping "bachelor's hall" in the solitudes of the Gunnison, but it was not for long. As the advent of spring became assertive, our proteges (miners, this time) began leaving Ouray's camp by twos and threes, according as the spirit moved them, and followed the Gunnison trail as the rest had done (the Packer crowd, of course, excepted). By this time our suspicions that they were hopelessly lost were confirmed, circumstantially according to the date of their departure as given us by their companions, these subsequent arrivals. Accepting their statements as true it appeared that the Packer company left Ouray's camp just five days after "Lot."

A grewsome story, their subsequent history. Their sad fate, the handiwork of that remorseless criminal, Alfred Packer, whose motive in murdering his comrades was that of robbery. Of how he betrayed them off the main trail, as against Ouray's express directions into an impassable wilderness, and then murdered them when they slept; of how he turned cannibal and feasted off of their flesh, camping for many weeks at the scene where lay his victims. Of how he next made his way to the agency in the Cochetopa country where he related his adventures to the employes.

His story substantially was as follows: He with five others had started out from Ouray's camp on the Uncompahgre intending to reach the Government cow camp on the Gunnison. That after a few days' traveling he was lamed, and unable to walk; that his companions and himself disagreeing as to which way they should go, they had deserted him taking a southerly direction while he after resting a few days, and then being able to resume his journey had slowly and laboriously found his way to the agency, subsisting en route on berries and an occasional rabbit or squirrel he managed to kill. He told Stephen A. Dole, who was then in charge of the agency during the absence of General

Adams, that he had no doubt but what his comrades had reached Silverton or Animas valley. This recital excited the sympathy of the employes, whose concern for his welfare induced them to persuade their foreman, Mr. Dole, to offer him a job which would give him a few dollars to assist him on his outward-bound journey, but he seemed strongly disinclined to accept a job. On the other hand, however, his appearance did not indicate any such suffering as he claimed, for he looked hale and hearty and well fed, though somewhat fatigued from his long tramp. Instead of asking for food his first demand was for a drink of whiskey. Judging from his story which he varied for every listener, whiskey had a confusing effect on his memory. Even his own subsequent confession to General Adams was full of contradictions. At this time, according to his own account, he was wholly without money and to procure some sold his Winchester rifle to one of the employes. He then departed for Saguache, forty-five miles distant, saying as he left that he was tired of Colorado and wished to return to his family and friends in Pennsylvania. At Saguache it appeared that he had plenty of money and spent much of his time in drinking, carousing and playing poker. At times he exhibited considerable sums of money. A few days after leaving the agency some Indians discovered and brought in strips of flesh, which the agency physician declared must have been cut from a human body. As they were found on Packer's trail, it was at once surmised that Packer had killed his companions and subsisted on their flesh, instead of roots, berries and rabbits, as he had narrated to them.

"The members of the original party of twenty-one, who had preceded him to Saguache, on meeting Packer there inquired of him what had become of the other five. He told them, as he had told the employes at the agency that they were in Silverton or in the Animas valley, as on leaving them they went in that direction."

During his stay he went to Mr. Mears' store and asked him if he had a horse that he would sell him as he wanted to buy one. Mr. Mears sold him a horse for seventy dollars, for which Packer paid in bank notes, but Mears believing one of them to be counterfeit (he had been told by one of the original Utah party that Packer had been in jail at Salt Lake for passing counterfeit money), asked him for another. Packer then produced a different pocketbook than that from which the first had been drawn, and opening it took out another bill, giving it to Mears in place of the note that had been rejected, and in doing so displayed a red printed draft, such as were then used by the Wells-Fargo Express Company, which attracted the attention

OTTO MEARS
The Pathfinder of the San Juan
(Taken in 1880)

of Mr. Mears, though he said nothing. About this time General Adams, who had come from Denver, arrived at Saguache en route back to the agency, to whom Mears related the strange circumstances connected with Packer's arrival there, and his suspicions that he had murdered and robbed his companions in the mountains. Conferences with the members of the original Utah party who had reached the same conclusion, as they knew that Packer had little or no money when they left him, brought a proposition from Adams that if Packer could be induced to go back to the agency where he (Adams) had full jurisdiction, he would either force a confession from him or hold him a prisoner until an investigation could be made as to the fate of his companions. He then informed Packer that if he would go as a guide, he would outfit a party to hunt for the missing men. After much reluctance and numberless excuses, he agreed to go if Adams would bear all the expenses, and in this manner Packer was brought to the agency, accompanied by Mears and two or three of the Utah men. On the way thither, in crossing Cochetopa creek, Packer was seen to throw something into the stream, and when asked what it was, he replied that it was some trash for which he had no use. They reached the agency at dark that evening, when Adams sent for Packer to come to his office. He said to him, "Packer, Mr. Mears informs me you had two pocketbooks at Saguache, both containing money; I want to see them." He denied having any, whereupon Adams requested Mears to search Packer, but nothing further than a knife about nine inches long, was found. Then both came to the conclusion that it was the pocketbooks Packer had thrown into the Cochetopa.

By this time it became known that none of the party with whom Packer had entered the mountains had reached Silverton or the Animas valley, and the circumstances foregoing convinced Adams and all concerned that they had perished in the deep snows, or had been killed and robbed by Packer, the latter suspicion being very strong, as some of them, as has already been stated, were known to have possessed considerable money in notes and drafts.

"In addition, in one of his fits of intoxication at Saguache, he had exhibited a pipe, a pocket-knife and some other small articles known to have belonged to the missing men. General Adams had carefully noted all these suspicious circumstances, and having Packer in his power, resolved to force the facts from him. All who were interested in the proceedings, more especially the Utah men, were so deeply incensed against Packer, threats to lynch him were freely indulged. Packer in reply to Adams' question, "Where did you get the large sums of money shown at Saguache, as you had but ten dollars on leaving here?" said he had borrowed it from a friend. Said Adams, "What you have told me is false; now I want to know and *will* know what became of your comrades whom you left in the mountains. You have lied to me! I believe those men are dead, and that you know who killed them, and I am determined to know the truth."

*Packer now thoroughly alarmed confessed the whole truth about having murdered the entire outfit of five men.

In this confession of Packer's there is omission of a significant truth that he had in his possession a quantity of morphine which he occasionally made use of to induce sleep. It is altogether probable that he made use of some of it to drug his victims. This fact was related to the writer by one of the "outfit" who knew that Packer had morphine in his possession.

Notwithstanding the diligence that General Adams displayed in outfitting search parties to hunt for the missing men and compelling Packer to assist in the search their efforts were all to no purpose. On the fourth day out the man in charge of the main expedi-

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***Note—The paragraphs in this chapter marked as quoted are from the pen of Gen. Frank Hall.**

tion, Herman Lauter, an employe of the agency, was set upon by Packer who tried to murder him with a large sheath knife that he had concealed in his boot, but Lauter speedily disarmed him. When he declared himself to be bewildered and lost, a man named Nutter, of the original Utah party, who accompanied the expedition, said to Packer, "I am satisfied now that you killed those men, and ought to be hanged for it." He replied, "If you are satisfied that I killed the men, YOU find them." The search therefore ended in complete failure, and there was nothing to do but go back to the agency and report. Packer was thereupon taken to Saguache and was turned over to the sheriff of that county. The search was kept up, however, and at various times, articles of clothing and other things were discovered, which still further confirmed the suspicions that the men had been killed."

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"In June the greater part of the heavy snows had disappeared, and prospectors began to go into the mountains, many of whom passed the agency en route. General Adams related to them what had occurred, and requested them to look for the bodies of the men who had gone to the mining fields with Packer the previous winter."

Frank Miller

Remains of the Victims of Albert Packer

Among the first that went to Lake City that spring was a photographer named J. A. Randolph, who made views and sketches for *Harper's Weekly*. While passing through a spruce grove Randolph *came upon the bodies of five men, four lying in a row, each showing that his head had been crushed with a hatchet or an ax, and that they had been killed while sleeping.

"The bodies were covered with blankets, and were in an advanced state of decomposition. The fifth man, Bell, lay at some distance from the others; examination proved that he had been shot with a rifle, and the head had been cut clean from the trunk. There were abundant signs of a sharp, fierce struggle indicating unmistakably that Bell had fought desperately for his life. Most of the flesh had been cut from his body, but the others were less extensively mutilated, which seemed to prove that the party was not destitute of food when killed; that they had not slain each other as Packer claimed, but that he (Packer) had slain them for their money and property."

Another circumstance which indicated the desperateness of the fight with Bell, was that when Packer

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*Frank Hall, in his history of this discovery, gives the artist's name as Reynolds. This is a mistake, as the sketch herewith from *Harper's Weekly* is signed by the artist himself as John A. Randolph.

arrived at the agency two of his front teeth were missing. A rude shanty or cabin was found near the spot, and leading from it to the battle ground was Packer's well-worn trail, showing that he had made frequent visits to his victims and subsisted upon their flesh.

On the strength of this discovery General Adams, as we have seen, turned Packer over to the sheriff of Saguache County. A few days later he made his escape from jail and nothing more was heard of him till March 1883, nearly ten years afterward, when one of the original Utah party, named *"Frenchy," being in a house at Fort Fetterman, Wyoming Territory, heard voices of men through a thin partition which separated the rooms, and at once recognized one of them as Packer's. Keeping his own counsel, he communicated the fact to General Adams, then holding the position of United States Postoffice Inspector, that Packer was at Fort Fetterman, under the assumed name of John Schwartze.

He was soon arrested by the sheriff of that county and held for Adams, who immediately went to the post and brought him back to Denver and lodged him in jail. From there he was next taken to Lake City by the sheriff of Hinsdale County and arraigned for trial at the spring term of the district court when Judge

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*Jean Cazaubon.

Gerry sentenced him to be hanged on the 19th of May following. However, Packer, was never executed, owing to the blunders of our State Legislature in amending certain sections of the criminal code. By this means he acquired another hearing, this time in the Supreme Court. But this hearing did not come off till 1885—meanwhile Packer laid in jail awaiting the result till, at last, broken in body and mind by the long confinement he at last received his sentence.

Not only Packer, but several other assassins gained new trials under the lame technicalities of the penal code and had their sentences commuted to imprisonment, in lieu of the death penalty. Packer's final sentence was 40 years, but he died before the expiration of that term.

The graves of his victims lie in a foreground fronting on the eastern shore of Lake San Christoval, a beautiful sheet of water two miles from Lake City, five hundred feet deep. In that vale of gloom they are sleeping today, shaded by a grove of immense pines and spruces that lift their dark green heads high above the surrounding forest.

Emigravit be the inscription on their tombstones: Reposing in unbroken solitude; surrounded by a colonnade of crags and peaks; their's is a worthy sepulchre that lies mirrored forever on the lake's placid bosom! A lake and a landscape that reverberates with echoes whose accents recall the past, for, even as music was first born of the echo so is nature's voice a solemn requiem, a Te Deum of the dead.

To detail at further length the grewsome particulars of this melancholy story is not the purpose of this sketch, for abler pens than mine have told it scores of times. For that matter, it has been put on record by writers who have achieved a world-wide reputation.

# CHAPTER VII—1875

## *Removal of the Agency to the Uncompahgre River*

TIME passed on from the spring time of 1874 into the summer season of 1875, bringing with it a change of agents at Los Pinos.

The regulations of the Indian Department gave full option to the church (Unitarian), as to whether or not they desired to keep General Adams as agent.

His appointment, in the first place, as we have seen, was made principally because of his military record and therefore because of his unexceptional fitness for the "post." At that time it appeared to have been the general impression that his religious faith was of the strict Unitarian, but it afterwards appeared that Adams was a Catholic, a fact which, he, himself, very seldom adverted to, consequently in dividing up the patronage it was recognized that the Ute portfolio really belonged of right to the Unitarians. Accordingly certain theologians of Boston, the headquarters of Unitarianism secured General Adams' removal so as to create a vacancy for a member of their sect.

The Reverend Henry F. Bond, a graduate of Harvard College, thereupon took General Adams' place. In the summer season of 1875, as already stated, there came orders from Washington to pull up stakes and move the Utes into the Uncompahgre country. After a favorable location was agreed upon a new saw-mill was ordered from Denver. Contracts for its delivery at the new agency were let to the logging camps already located there.

Various spasmodic efforts at grading across some hill-country and at bridge construction were in evidence that "the San Juan mining excitement" had preceded the Indians to their new home, sensing the necessity for better roads which did not reach full completion till three years later. That the roads were bad was likewise evidenced by the final cost of freight deliveries at the mines and the struggles of prospectors in getting there, none of which were to be lightly though of.

The logging camps assumed still another contract which was the moulding, etc., of three hundred thousand adobe bricks which they, in turn, subleased to Mexican laborers.

In order that contractor's camps should be promptly supplied with beef we got a hurry-up call at the Gunnison camp, instructing us to round up the Government herd and push it along to the Uncompahgre. We accordingly hit the trail in short order. Our task presented somewhat rough mountain climbing, but our difficulties in this respect were simply of that character incidental to cattle trailing through a rough country barring, however, the transportation problem which, at times, became a matter of no small perplexity.

Our fall and winter supplies necessarily loaded down our prairie schooner to the gun wales, necessitating three yoke of cattle to haul it. As an extra precaution for emergency's sake we took along an additional yoke of steers which proved to have been a wise precaution. Efficient forethought, however, at the outset of our trip would have suggested the wisdom of setting aside that prairie schooner, for, in any event, a light traveling "pack outfit" would have done in its stead much better duty and not have delayed us as did "the schooner." Like many another relic of Fremont's day (left stranded on the reservation) it was more ornamental than useful. However, we took it along, and moreover taxed its tonnage capacity by piling into it a great deal of unnecessary stuff that it were better had it been left behind, for, in the end it was unceremoniously fired overboard.

At every hill on our route west of the 107th meridian nothing short of a Job's patience sustained us. In fact some of those hills would unquestionably, have stumped Job. There were several of them on Fremont's route. But we had one advantage over "the old man" which, the same, consisted of a five-gallon keg of "spirits frumenti" and herewith, it is pertinent to remark that its contents were considerably lowered before we reached the Uncompahgre. In very truth at every hill encountered there was absolute necessity to unload the aforesaid "schooner" and pack its heterogenous contents to the top. There were small as well as large elevations of land, and though the larger ones stood apart by themselves, yet the smaller ones were grouped, and usually, on this account were the hardest stunts to tackle. None too willingly did our cow-ponies submit to be thus used as "packers" at "packing up" unloadings, but they had it to do. "Hic labor hoc opus est!" When the trail wasn't up a mountain it went down into a bog.

At such hills as the "Lake Fork," Pine Creek, "the Blues" and the Cimarron, we had the time of our lives to get our "bulls" to pull even the empty schooner to the top. Undeniably, at such emergencies the never failing bottle of "bitters" was on hand to re-enforce muscular energy like the old maid's proverbial cup of tea at stunts of house cleaning. Our lariettes, too, were frequently called into service at the end of the wagon tongue to assist "the bulls," a scheme, that, to use Hartman's expression was "old business," for, he "allowed it never failed to put her there!"

Riding tandem fashion with our lariettes all hitched to the schooner's head, like a steamer's tow line, the upward pull to the top of the hill might not have been

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unlike the pitching of a tramp steamer fast to a derelict and mounting the crest of a big wave, only less gracefully, and in the schooner's case with much more profanity. Our wagon boss, "the head mush," as we called him, as already intimated, was and is yet, one of the solid men of Gunnison. Associated with him on this pilgrimage were John B. McIntyre, Jim Bishop, George Beckwith, Jim Kelley, Antonio Madrill, who was a Mexican, and the writer.

At the hill on Pine Creek our rough locks broke and our schooner got such a start going down grade that it overran the "bulls," broke off all their horns, and finally landed bottom side up in the creek, twisting off the tongue, too, when it turned its last somersault. We laid up the next day for repairs and resumed our journey on the morrow just as if nothing had ever happened. On Saturday night we reached the valley of the Cimarron, a section of wildly beautiful loveliness with heavily timbered mesa lands on either hand.

These minor details are culled from my note book by way of a general comparison with a similar journey that was performed by my whilom friend, Captain Wm. H. Hooper, several years previously while en route to Utah as mentioned in the opening chapter of this book. His tribulations were mainly the result of broken wheels or the pulling out of wagon tongues, otherwise his numerous outfit of teams enabled him to double up enough of them together to reach from the bottom to the top of any hill on the whole route, the same as did the expeditions of Fremont, and the military, at a later date, under General Albert Sidney Johnson. We passed numerous relics of those early day outfits strewn by the wayside in the shape of old hubs, wagon tires, etc. With us, however, the pulling problem was of an infinitely more serious nature on account of our limited capacity of motive power.

The next day, so my memorandum tells me, was like many another day, full of laborious driving both on account of the schooner and because of the herd in general. Calves were becoming footsore and then their mothers would lag behind, so that it became necessary to shorten up on mileage, and to camp longer as for instance at our "noonings." Thenceforward, ten miles a day became our average progress. At Cedar Creek "divide" we found that grass was become a short bite on the range, therefore night herding was correspondingly difficult, and to crown all we were compelled to make a dry camp there, which was a turn in our affairs that was wholly unexpected.

Here was water, but it soon became tramped out of sight in the mire by impatient and thirsty cattle. It was proposed at this juncture that some one should go back to the Cimarron and get some water, but this proposition was overruled by Hartman, seeing that owing to the extreme restlessness of the cattle it required the presence of the entire force of "punchers" to hold them in check. "Boys," said he, "after the moon rises, if you'll watch the water holes so as to keep the cattle from tramping in them, we can all get a drink, for, maybe the cattle will then begin to lie down." But the moon didn't come up, owing to clouds and the cattle wouldn't lie down, but continued to tramp and bellow all night long, continuously, and to mush up the water holes, for in the dark we couldn't see them. So unmanageable did the herd become after midnight that it was only by superhuman efforts that we succeeded in holding them together. Had they succeeded in breaking away from us a stampede would have followed and it would have been physically impossible to have checked them short of Gunnison river.

So it was, that, on the following day under a blazing sun, without breakfast, and minus supper the night before, also without water for ourselves or horses we started out on the down grade along Cedar Creek gulch, through blinding clouds of dust. Dust was everywhere, a dust that was all pervading, emphasizing the dry season, and dry Cedar Creek in particular, wherein it harmonized with a landscape that was bare and old, and which partook of a burnt-like aspect resembling bricks and partial to some distant prehistoric period. Something else, however, spoke to us about things that were not prehistoric, but eminently present in the sense of physical discomfort as at the pits of our stomachs and unmistakably expressed by thirst and appetite. Out of the depths of all that dryness, too, what little wind abounded was invariably in our faces, the sand was in our eyes and the alkali down our throats, most abominably. On account of the alkali we decided to keep our mouths shut, for conversation under such circumstances was necessarily, in itself, a hardship. Thus we jogged along in depressed but dignified silence like so many gnomes. Our quietude, however, was unexpectedly broken by Antonio, our Aztec herder, he of the dark complexion. Antonio, "the silent," we called him because of his invariable taciturnity. As he tipped his sombrero we grasped the idea that something was wanted, or else it was something that was coming—possibly "a kick;" anyhow, that it must be brilliant if only found out was a foregone conclusion. Well, what was it? "Just one leetle smack of ze 'aqua ardiente.' " We had a whole keg of it in the "schooner," only that we called it the "good old Gukenheimer." Ordinarily a drink of it was like taking gum drops from an infant, it went down so smoothly, but under present circumstances there was no water on the side for a side drink. "Aqua Ardiente!" The bare thought of it all but withered in the blossom! But expressed in Mexican it had a seductive, melliffluous sound as thus pronounced by Antonio, and the innocent doffing of his sombrero relieved the sordid incident of its squalor, as he again performed the evolution of that capillary appendage and announced to our silent conclave of five souls how "mucho milo" he then was, for all of which, there was but one antidote, a big snifter of "the Gukenheimer." No one had spoken a word of remonstrance, for, as yet, our conclave was as silent as the tomb, not a single voice save Antonio's had, as yet, broken that impressive serenity, all was silence except for an occasional bellow from the herd or the distant cackling of a lone coyote. But a good deed is never lost and simply because of our continued silence it was not to be presumed that Antonio's projectile had fallen as did the words of a famous parable of scripture on stony ground. Had there been any fastidiousness lurking in the atmosphere, then indeed, would the force of Antonio's shining example been lost, but not so!

By dint of perseverance he at last succeeded in persuading Hartman to halt so that he could board the "schooner" and help himself to the "demijohn." After taking a gulp of its contents he very deliberately deposited the "wicker work" on top of the jocky box.

It was Jim Kelley's turn at it next and he made good— but first, he decided to make a few introductory remarks, as, for instance, by inquiring of the rest of us if it were not "a long time between drinks? Do not you fellows observe that lone thing standing there—that demijohn of 'Old Budge!' that booze! which makes all our troubles so light!"

It needed not Mr. Kelley's melodramatic appeal to bring Hartman to the front of the wagon, for, he was already on his way there to mount the jockey box, and announce himself as the bartender. Observing that we were pretty near "all in" because of being "mucho milo" he would see to it accordingly by giving each sick man his full share of "ardiente" and right well he performed that duty for each "puncher" got a pretty "stiff horn." Ordinarily a sovereign remedy for exactly what ailed us, but taken on an empty stomach minus water for a "chaser" it was productive of a variety of sensations, not one of which bore the least resemblance to pleasure, or even comfort. However, with all great miseries there is, nevertheless some small gain, and inasmuch as the aforesaid "booze" inspired us with an afterthought which accomplished good results pertaining to our line of march, we felt constrained to forgive Antonio for having become "mucho milo."

Casually we noticed that our whips had become unserviceable from too much wear and tear, and as thus we realized that whipless whip lashes would not accellerate the herd to increased speed; that not a willow lash abounded; that it was miles to tall timber; yet, all the same, our spirits told us that to mention a need was but to find the means at hand. Immediately in our foreground was a place where once had been an Indian camp and here, too, were lodge poles that had been left behind, the very thing, and just the right size. With that we each grabbed a pike and put in our best stunts at punching up the lagging herd.

Seen at a distance our column of march now assumed the appearance of an advanced "line of lancers" strung out for at least five miles in a serpentine trail, accentuated by low hanging dust clouds, up through whose fog protruded the ends of our pike poles like so many portable exclamation points, *! ! ! ! ! !* denoting our route towards the promised land.

Meanwhile the cry was water! It became strong and insistent! Who would be the Moses to smite the rock? We wanted something to drink for our thirst was now become almost unbearable—something fierce! Even so, and akin to that species of temporary insanity which sometimes assails the minds of newspaper reporters when called upon to chronicle the ravages of fire in great cities and which animates that spark of their special Providence which decrees that big rivers shall run by big towns, and still be non-existent, such was our desire for a drink. Even as a wish is father to the thought, therefore, I being the cook should be the one to search for water. Accordingly I was directed to look up any old place along and between those crests that cap the wild hillsides bordering on what is now called "Bostwick Park." I took with me for that purpose an old keg that had once contained "spirits," and prospected most assiduously throughout the designated country, but no water! Inwardly, I reflected, that it would have been policy in Hartman to have sent me back to the Cimarron for it, but that proposition had been vetoed the night before.

Returning disgustedly to the line of our march I determined on having some fun, albeit it was of a grim visaged aspect, at the expense of our "punchers," so I jocularly carried the empty keg in such a labored manner as to convey the impression that it was exceedingly heavy as if full of water, which the punchers taking cognizance of, they came crowding around me as I pulled up at the wagon. Passing the keg first to Hartman, as by all rights of courtesy I should, its apparent weight inspired too much of a lift which sent it high above his head. It was accordingly very self-evident that the proposition was X, minus an unknown property, water. Forthwith that keg's descent to the ground was as sudden and abrupt as the ejaculation that accompanied it, "hell!" Whereupon the whole outfit's precipitate exit back into the everlasting dust was as effective as if a curtain had been rung down upon the scene.

To this episode, however, there was an "after-rehearsal," so to speak, and in this the cattle themselves were the chief actors. On an Indian trail it is the unexpected that sometimes happens, and thus the absorbing question at issue was solved, satisfactorily, almost immediately after my return from Bostwick Park, and in this brute instinct played a lofty part.

There was a commotion in the distant van of the herd. McIntyre had observed it through his field-glass. A succession of binoculars raised in that direction confirmed the impression of a disturbance but as seen through clouds of dust the nature of it was wholly a matter of conjecture. However, it only needed the hoarse bellow of a wide-awake steer about midway in the herd to tell us the secret of that commotion, as chorus after chorus of bellowings followed suit. In a twinkling the whole outfit began a wild stampede for water. Their objective was apparently west, by north of us. Thither the herd was stampeding in a bee-line for what was undoubtedly the Uncompahgre river. As they bounded along with lowering horns and elevated tails the herd resembled a multitude of tumble weeds seen upon a prairie on a windy day.

"What fools us mortals be!" Had Shakespeare's ghost been present in our outfit on that occasion the above unfavorable opinion of our intelligence would undoubtedly have been passed upon us, for, we had camped in the "dry" when there was water only ten miles ahead of us. Instead of camping at all we should have made a night drive from Dry Cedar to the Uncompahgre.

We threw down our "pikes" and all now hurried to the river where dismounting we turned our horses' heads to the water leaving them to drink at will. We had no fear of their running away. Our own thirst required slaking as well as theirs and crowding into the stream we poured the cold water down our throats in cupfuls. We felt as though we should never be surfeited.

At last evening came with its beautiful smile, but its glamour witnessed only a tired crowd of cowboys. No night-herding for us that night, but, instead, a well-earned rest alike, also, for the jaded horses and foot-sore cattle. Just like a benediction from Heaven the night winds brought forth a most welcome thunder-storm that freshened the August atmosphere and lent inspiration to happy dreams wherein there was no more dust, or dry camps, but instead, green valley lands and snow-clad mountains, as if all nature was attuned to that—

"Summer's voice that calleth on forest and sandy plain,
With an unusual murmur as falleth the cooling drops
of rain."

Little did we think at that time, that, at that which was our dry camp on "Dry Cedar" would, four decades later, become the scene of exploitation of a great irrigation project in the shape of a Government tunnel, all within gun-shot distance of where we once partook of our "spirits frumenti" on board of a "prairie schooner."

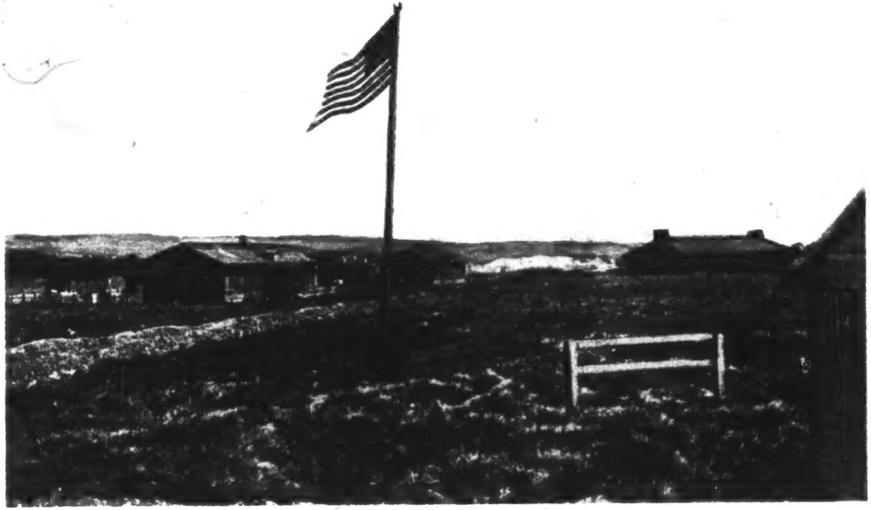
Chief Ouray met us in the early morning's round-up and gave us instructions as to the whereabouts of our future cow camp which was duly located conformably with his directions, being pitched at a point where the first main tributary of the Uncompahgre empties into it, and on its left banks, which tributary we found to be about seven miles south of the selected site of the Ute agency, which latter was in the main river valley. Seeing that our tributary was lacking a name we very properly christened it Cow Creek.

Hartman put on his best sombrero that morning and spliced out his whip popper with an extra braid, which latter stunt was done more from force of habit than otherwise, for now that we were journeying placidly in a fair valley, comparatively speaking, a prairie country, there was no more need of strenuous bull-whacking. Profanity and loud talking were equally superfluous, and prairie schooners a back number.

We had been just ten days on the trip from Taylor Park in the Gunnison Mountains to Cow Creek, and had covered all told just one hundred and ten miles. Slow, but sure mileage and distinctively western, and, taken as a whole, it was anything but the "snap" that such trips are usually cracked up to be.

Our first hard work after pitching tents on Cow Creek was to build a suitable corral and a cabin, the location of which as already stated being seven miles south of the new agency. In our near vicinity was the headquarters of Lieutenant George M. Wheeler (Chief of the U. S. Geographical Survey west of the 107th meridian) temporarily camped at the mouth of Cow Creek. By him we were informed that the new agency was in Latitude 38 degrees 30 minutes north and Longitude 107 degrees 45 minutes west.

The new agency! What a magic in the words! And, yet, what's in a name? A token, as of a romance which was yet to be, those extended piles of "dobe" bricks staked up in various stages of dryness. Simply the new agency "embryo," as a project in the rough, but all the same those sun-dried "bats" were destined to loom up superior to that sordid alkali prairie. Strong was the spell that once hung on their numbers, for,



Los Pinos Agency on the Uncompahgre

ultimately it was their mission to be formed into solid walls and corridors within which imagination was wont to picture a spacious "plaza" from whose flagstaff would yet float "Old Glory" to proclaim that august authority vested in Uncle Sam and Madam Columbia, in the person of the agent and his wife as uncle and aunt to all of the Utes.

## CHAPTER VIII

*Names of "Bronchoes," Otto Mears' "Jugs," a Mexican, etc., etc., etc.*

A Grecian philosopher once said that it takes all kinds of people to make the world. He might with equal truth have said that it takes all kinds of horses to make a cow camp.

With the establishment of the new agency, we were outfitted with a new band of "bronchoes," consequently our camp was well fixed for fresh horses. We had a fine string of them. To begin with, there was "Shoe String" with a jack stripe down his back; "Good Eye," a horse that had but one eye; "Limber Jim" that could *unlimber* any man that wasn't a professional; and "Boot Jack." By the way ,"Limber Jim" was one of the best cow horses that ever made a track in this country. "Crazy Jane" (locoed), of whom Jim Kelley had said that she was ornery enough to have run off of a bluff with Brigham Young on her back. She was rougher to ride than the walking beam of a Mississippi steamboat—"Battle Axe" wasn't noted for his docility; who could toss a man up and catch him square in the saddle more times without missing a fall than any catcher behind the bat in a baseball team. "Shoe String" wasn't so much on the bucking order as he was crazy. A little stick in the trail not the size of a bean pole would create a jump five feet high and ten feet long, which jump he invariably considered necessary to get over it.

The general Government was liberal to the Indians in the matter of beef which was issued to them once every ten days. On one occasion the beef thus issued did not have streaks of fat sufficiently thick mixed with the lean, not properly *marbled*, so to speak, and therefore they threw it into the camp ditch.

Game of all kinds was abundant in those days and the Utes were correspondingly particular as to the quality of their "sirloins" and "porter house" steaks. The commissary, Mr. C. P. Foster, went to the agent and inquired what he should do about this matter and received answer from him that he should do nothing furthermore he could inform the Utes that the beef was theirs to dispose of as they saw fit, and whether they threw it into the ditch or down their throats was a matter of indifference.

Otto Mears, since known to fame, was then our champion beef contractor. At times Americans did his herding and at other times this employment was given to Mexicans accordingly as the supply of "punchers" held out in the "labor market."

The average Mexican or "greaser" of those days was not thoroughly honest and even those who were inclined to be square were often betrayed by their companions into actions that exposed them to censure. Rustling for "mavericks" was their "long suit," and inversely in proportion to their "busted" condition was their desire to "maverick" and in no wise were they particular as to whether they mavericked off of the Government in their forays or off of Mears, who—to use a Western phrase was secretly getting onto these fellows and was well informed as to who their ring leader was. Speaking afterwards of these occurrences he remarked, "I don't care a damn how much 'Uncle Sam' gets beat, but I hate like hell to get beat myself."

One night some Mexicans out at Saguache gave a "grand fiesta." All of the Mexicans at our agency were invited to it and though it was one hundred and thirty miles to Saguache, yet they were not slow in getting there. This was what Mears was waiting for. When the music commenced, and the "greasers" began to spring themselves, Mr. Mears appeared on the scene and promptly arrested their floor manager, who proved to be an Aztec of Nacogdoches descent, and hurried him off to a place where distance lent enchantment to the view. His name in full was Mr. Jose Marie, Jesus de Annuncio "y" de los Santos Chaves de Monclovia.

When brought before the Alcalde (a justice of the peace), and American, he professed to be lame in his right arm, whereupon the examination commenced. "Now, Mr. Jose Maria, etc., you say in defense of yourself that you butchered your own beef. I am now about to convene this honorable court. Everything shall be called by its proper name. The highest and most solemn obligations are imposed upon us and it is this court's bounden duty to hear all the evidence, so help me God, before it acts on your case."

"How did you come to break your arm, of which you now complain?"

"I tell you dis minute, Senor Alcalde," began the Aztec. "You know I bin a good bocaro, 'mas a menos,' me and my plenty componeros bin comin' dis way to Saguache to a gran' fiesta we bin invite to, and we want some 'carnee,' some 'bif,' you know, and when me go to lasso de bif, my 'caviah,' my hoss, you know, he trow me, on de upside of me down, dat was why I bin lame in my awm so!"

"Whose beef were you trying to rope?" asked a bystander.

"Quien sabe?" answers the scion of Montezuma. "I do' know, but ze 'bif' he are fat and my componeros zey lik' fat 'bif,' an' me kill ze 'bif.' "

From the hobo's point of view the above explanation was pertinent, but the Alcalde had other views and fined the Mexican seventy-five dollars and costs. In default of payment the prisoner was sent to the work house for sixty days where he rusticated throughout the approaching Christmas holidays. To one of Jose

Maria's calibre, this procedure was a new wrinkle in the maverick law.

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The cowboy has been much misrepresented as a "character." The genuine ones are seriously engaged in a trade which takes some time to learn and it is a matter of business with them. Even more of a character than these men is the wild cow with her strange notions. Having had no occasion to think otherwise, she has an idea that man and horse are one animal. She believes in "centaurs" and considers them proper. One time my side partner dismounted in mid-range to his own legs and was observed of a cow with a calf. She saw him do it; imagine her feelings when she saw her "centaur" divide itself into two parts and act like that. She immediately felt it her duty to kill off such a miscarriage of nature and while she would run *from* him on four legs she now ran at him. He clapped himself on his horse just in time to avoid a horn, and she kept brandishing at him as he loped away.

Such, indeed, is the truly wild cow. She can run like a horse and fight upon occasion, and she can dodge a great deal easier than a horse.

This is where a cowboy's hardest riding comes in, for it is his business to out dodge her, to drive her where he wishes her to be.

In the quintessence of his calling he is the artful dodger of the plains; and from this comes the peculiarity of his long stirrup riding and all that makes his menage really different from that of other horsemen.

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There were fourteen employes at the new agency, all told, including many of the old hands that had served under the management of General Adams.

The members of Mr. Bond's household were highly cultured people, whole-souled and cordial.

During those long winter nights, when the year 1875 was not long for this world and the year 1876 was soon to begin its feeble existence, the new agency became electrified with the doings of a *literary, debating and dramatic club*, all home talent.

Our sessions were held in the big tent that was temporarily used as a sort of ante-room to the office where Indians who had business with the agent could remain in waiting until they could have a hearing.

This tent was comfortable at all times and here the loafers (Indians) of whatever degree delighted to congregate and spend their time in telling yarns and smoking. The average Ute of those days could kill a genuine Yankee at talking, notwithstanding the fact that an Indian is usually regarded as somewhat of a stoic.

At loafing they stood pre-eminent, at least so far as the men were concerned, for the necessity of rustling for their own grub was a thing of the past, and they were no longer concerned about the existence of jack-rabbits, locusts and wild honey like "*ye clepid knights af ancient scripture.*"

As Christmas day was near at hand some of the agency boys began rustling around at the upper end of Dallas Valley where the Indians reported having seen some wild turkeys. Fortune favored our Nimrods, for they succeeded in bagging a big wild gobbler, which they found beyond the forks of the creek nearby the present home of the Hans Vom Hagen.*

Our first mince pie, however, came all the way from Boston. It was our "piece de resistence," but just the same, according to McIntyre's story we were at the point of losing it altogether, seeing that the postmaster on the east side of Cochetopa Pass had somehow got the impression that it was intended for the "Pie Utes" then camped in San Luis Valley, but our redoubtable chief herder headed it off at the "Pass," so he declared, and kept it "going west" till it arrived at the new agency in time for our state dinner.

An early spring followed the winter of 1875, after it had passed the New Year's line of 1876. A brand new flag was sent to us from Washington. "Old Glory" had added to its "galaxy" a new star for Colorado which had just been admitted into the Union.

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*Leading cowman of Dallas Valley.

A new state, a new flag, a "new agency" and a good dinner, all harmonized well together on New Year's day, 1876.

Although, as previously mentioned, an early spring came on that year, yet deep and drifting snows in the early part of winter, notably on both sides of Cochetopa Pass, shut us off from transportation with Denver, consequently the "agency" became a sort of isolated terminal with no resources except some limited supplies at the "old" or "sub-agency," and these had to be packed by mule train across ninety-eight miles of a mountain country.

Like sailors marooned on an island we were compelled to be saving in the matter of provisions, for our supplies began to dwindle in the staples of butter, sugar and salt, so that before we began to fairly realize it we were getting short on our "bill of fare," as for instance, with no butter to go on our bread we ate bread *straight;* shy on sugar we took our coffee *straight*, and tea likewise; minus salt, our beef was *straight*. At last this *straight* business became chronic, for when our supply of coal-oil and candles evaporated, we were brought face to face with darkness and that was *straight*, too; everything "*straight*."

The effects of that brief but snowy winter left its mark in many snow slides, far and wide, around Ouray. Starvation, too, stared many an old-timer out of countenance with his luck as an average prospector. Streaks of his desperation; that feeling of despair that comes over a man when he finds that winter is at hand and nothing has been found, needed no flowers of rhetoric to portray them as winter stalked gaunt through the valley of the Uncompahgre. Then it was that "Slow-elk," as all unbranded Government beef was termed, were made to suffer. Many a slow-elk, that winter, fell, to the unerring rifle of the crafty frontiersman. Personally we did not blame them, the poor prospectors, but as against stock men, we were compelled for self protection to round up, brand and ear-mark the Government herd. This work was faithfully kept up till every hoof was branded, to-wit, "U. S. I. D." (United States Indian Department). The editor of the *Ouray Times* sacriligiously remarked in his "agency column" that the true meaning of the above term was, "*you steal and I divide.*"

Mr. Bond was greatly worried over an erroneous count of the Government herd, and in his report to the Indian Department in 1875 a charge of embezzlement was made against us. Later on we were gratified to note that Mr. Bond gave in our affidavit, with the amended figures on the face of it in his final returns to Washington, which returns, thus certified, showed that we made an accounting of exactly twelve hundred head of beef as per general round-up.

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U. S. Indian Agent

It was an audacious trick, that of driving the same bunches of beef twice through the cattle chutes, so then when certain of the chiefs and head men of the tribe receipted for them, they actually receipted for twice the herd's total number, therefore after we had driven them to the Uncompahgre it was currently reported thereabouts, that we, the herders, drove in twice as many cattle as the books called for, to-wit, twenty-four hundred head. Some of the local newspapers got up a grandiloquent story to the effect that fourteen Americans and three Indians ate up twelve hundred head of cattle in two weeks.

A most searching investigation by the chief of the Inspection Bureau of the Indian Department corroborated our correct figures, but, as a matter of fact, there was really a shortage of two hundred head of steers that had unavoidably strayed back from the Uncompahgre to their old range in Taylor Park, consequently they had there fallen under the operation of the maverick law before a final recovery of them could be effected. This loss, however, the Indian Department eventually made good to the Indians by a repurchase of exactly the number of missing strays and then assessed their cost against the agent's salary, *a procedure, too, that afterwards required a special act of Congress to nullify ere his claim for back pay could be collected, which involved him in a war of vexatious technicalities, and years of waiting and watching.*

## CHAPTER IX

### *A New Agent Is Appointed*

AS a result of what the maverick law had done, Mr. Bond was requested to resign. His successor in office was Major W. D. Wheeler, who arrived from Washington in the fall of 1876. Apropos of Mr. Bond's discharge it is pertinent to note that he accepted his demit with a good grace, for, he was heartily tired of being the Ute agent any longer, and hailed with delight an opportunity so well timed with his feelings in which to abdicate his post gracefully.

The agency was by this time fairly well started. The date of Major Wheeler's arrival there, happened most opportunely on an "issue-day" when a large number of the tribes were assembled at the commissary store house to receive their weekly rations.

Adverting to his appointment, there was, as a rule such a frequency in the changing of agents that it *approached the "chronic stage;" a new one every eighteen months or so. Every newly-arrived agent, too, invariably found his predecessor's accounts in a confused and unsettled state as if felonies had been compounded.*

A policy for this invariable discovery might have been assumed by the idea that to do so, was to insure an easy "projecting" for subsequent improvement on the part of the new incumbent in office; a peculiarity that has been remarked about other "posts" than those of the Utes, and of other states besides Colorado.

The Reverend Bond, Major Wheeler and perhaps General Adams might be mentioned as worthy exceptions to the above almost universal rule.

Being an ex-army paymaster, something unusual, too, in a candidate for the Ute portfolio, Wheeler, was, therefore, looked up to as a somebody that was head and shoulders above the general average of Indian agents; a somebody born to "the purple," and bearing his honors gracefully, as a little god, for such is the average Indian agent whose authority "there is none to dispute." Tall, portly, of florid complexion and ponderous avoirdupoise, his dignity, style and bearing likewise bore out the foregoing impressions.

Mr. Bond met him just as his "buckboard" pulled into "the plaza" and treated him just as a man in the East does a friend who arrives at the railway station, where he has been waiting for him with the dog-cart.

"How are you, my dear fellow?"

"Very glad to see you. Where's your luggage?"

"Let me take it," etc.

Meanwhile Chief Ouray had entered the agent's office by a rear door. There was a twinkle in the old man's eye that suggested a something coming, as of a bizarre nature, possibly an "encore," "on the side." Indeed the new comer had no sooner seated himself comfortably in the office chair than there came a tremendous volley that was fired at the agent's house from all sides at once. A somewhat startling salute and not a little disconcerting to a new comer at such a "post." However, the Major was not dashed, for, being an old veteran of the Civil War, he was used to salutes.

His introduction to Ouray followed, and immediately there filed into the office a small delegation of chiefs and head men to hold a "pow wow" with him, They had a grievance to present. It was about a tract of land called the "*four-mile strip.*"

The point at issue was that the whites had feloniously gobbled up four miles of their territory, which was not included in the treaty, but should have remained a part of the Indian reservation.

They were indignant that this encroachment had been practiced upon them, and pointed, through their interpreter, to the phraseology of their treaty wherein was a "saving clause," so designed by the commissioners as to shield them from any loss of their territory contingent upon a misunderstanding of the terms "valley" and "park," or then, in another essential, when the extension of the 38th parallel was run to its limit an "overlap" of the park might become developed. That such an "overlap" was found was borne out by the survey, thereby four miles of their territory, overlapping, including the "hot springs," by which they set great store, all of which would have been confiscated but for the saving clause which was so construed as to counteract it. For a better understanding of this "off-set" it was designated the "four-mile strip," extending from a point a little south of where Ridgway now stands to within a mile of Portland. Here Major Wheeler afterwards placed a monument in 1876, by order of Chief Ouray.

Wheeler listened attentively to all that had been said, and then informed Ouray and his people that their complaints would be duly reported by him to the Department, and that he would make it a point to remove all trespassers off the reservation.

He further reiterated that he had been instructed at Washington to reassure them in all cases wherein it might come under his observation that their rights were in jeopardy, especially so, as to the "Hot Springs," endeared to them by memories from childhood, which the "saving clause" further emphasized in the declaration, that "*the same*" *should remain theirs, forever inviolate, for as long as rivers might run and grasses grow.*

How often have pledges to the Indians as solemnly binding as the foregoing been ruthlessly violated by the Government?

Although this matter was promptly brought to the attention of the Forty-Second Congress, yet it was unfortunately overlooked and likewise forgotten by the succeeding Congress.

Indeed, it was not settled till 1878, during which interregnum squatters had again invaded the reservation regardless of the treaty and through their representative at Washington claimed damages off of the Government for their improvements.

In justification of these indemnity claims, as of the people, against the Government, the Hon. Thos. M. Patterson pointed out the fact that the Government's liability was plain, seeing that the treaty of 1873, commonly called "the San Juan treaty," was never properly published to the world. In fact, but a very brief mention of it was made in the Denver journals, nothing at all ever appeared before the public as to the "four-mile strip," and the surveys of boundaries were very imperfect. Therefore, the ignorance of "the squatters" in pre-empting their holdings was not amenable to the law, and that it was the Government's bounden duty to either reimburse them for their improvements, or else, make a separate treaty with the Utes for their relinquishment of the "four-mile strip" and throw it open to settlement under the Homestead and Pre-emption laws of the United States.

Accordingly, then, as a dernier resort, ten thousand dollars was appropriated out of the National Treasury to reimburse the Utes for their surrender of this land, which, considering the promises that had been made them under the President's authority, through Major Wheeler, was a most glaring confiscation of their property for which so small an indemnity was in no wise an offset.

The after glow of all this bad faith towards them was ominous in its lurking shadows, casting threatening war clouds, ever and anon over innocent and unprotected immigration, retarding the investment of capital in our midst, and making of Major Wheeler the messenger of a distrust in which he did not participate.

# CHAPTER X

## *Bad Men Among the Utes and Chief Ouray's Summary Method of Disposing of Them*

OURAY was incessantly perplexed how to conciliate his people, to placate their disappointments, to allay their suspicions, and hold his authority over the leading chiefs.

In their intercourse with the Government they had tacitly recognized him as their leader, for the Government would talk to no one else. For that matter Ouray was the only chief who could make himself understood in English, hence, as among his fellows their interests dictated the above recognition, albeit, it was a recognition that was responsible only to the white man, for as among themselves, they could not be persuaded to hail Ouray at once as their chief. On the other hand, he was the only one amongst the entire conclave of chiefs who had the ability and courage to cater to their interests; the only one with sagacity enough to see clearly their relative position as wards of the Nation.

Some men are born great; others achieve greatness, while still others have greatness thrust upon them. It would seem to have been Ouray's destiny to have had greatness thrust upon him, but that this prominence was not of his own, but necessarily an act of the Government's, did not enter his rivals' arguments, that he was other than a disinterested party to a suspicious finessing. As amongst the leading warriors it was enough that this seeming prominence served to bar them out from their gaining the supreme chieftainship by rights of inheritance.

In this connection it is worthy of remark that the Government always insisted on Ouray's acceptance of a salary for his services, to the end, that his stewardship might be properly rewarded aside from, and as an offset to the loss of dignity which was the penalty he paid for exercising "a straw-boss's authority" over his subjects. These offers, of course he accepted, for the reason that had he rejected them, such a sacrifice would not have appeased the covetousness of his rivals. Their selfish ambition clamored for a leadership that they were incapable of exercising, but just the same, they sought to murder him rather than that they should give up the head chieftainship, a crown which they could have worn only *nominally* had it been freely offered them out of respect to their inheritance, which, as we have seen, did not carry with it any other excuse for their cupidity than pride and vain glory. Like spoiled children their selfish natures blinded them from seeing Ouray's noble sincerity of purpose and true loyalty to general tribal interests.

Ouray was so entirely devoted to Chipeta that his acceptance of a salary was due alone to the promptings of a conscientious desire to generously provide for her, in order that in case of his untimely death at the hands of his enemies she would never have to suffer from poverty in her old age.

In 1872, at the Cochetopa agency, five sub-chiefs tried to murder him. His brother-in-law, Sapinero, was chosen to do the initiative that was to end Ouray's life, but they all got drunk beforehand, and therein lay the failure of their attempt. Five of them had secreted themselves in the blacksmith shop just as Ouray was in the act of coming across "the plaza" to get his horse shod there by George Hardman. It was this man who put Ouray on his guard and it was well for Ouray that he was warned, for when Sapinero picked up an ax, Ouray was clever enough to keep the post, at which he had hitched his horse, between him and his assailant.

The first blow missed Ouray's head by the merest fraction of an inch, but an inch of a miss is as good as a mile and moreover, Ouray was a quicker man than Sapinero. At the second blow Sapinero's ax-handle was shattered on the post, whereupon Ouray, leaping upon his neck, downed him into the irrigation ditch that ran past the blacksmith shop. On this, the other five "would-be assassins" turned tail and ran off, leaving poor Sapinero to fight single-handed against his wily opponent. Had it not been for Chipeta, Ouray would have shown him no mercy, for he was incensed to indignation at Sapinero's treachery. With a firm grasp of his powerful left hand on the latter's throat, he reached for his hunting knife with which to cut the heart out of him, but Chipeta, like the good "Pocahontas" of ancient story, grasped the knife out of its sheath before Ouray laid his hand upon it and thereby saved her brother's life.

For a while thereafter, Ouray was not further molested by his enemies, but later on his act of signing the *San Juan treaty of 1873 reopened all the old feuds against him, notably after the agency was moved from the Cochetopa country over into the Uncompahgre Valley. However, neither fear of threats nor the schemings of his enemies could bribe him to abandon his firm determination to hold fast the head-chieftainship.

* * * * * * * *

Among the Southern Utes was an Indian named Suckett, who greatly desired to drive the white settlers out of the country. Ouray was very friendly to the settlers, and told Suckett that the next time he came on the Uncompahgre river for the purpose of trying to make trouble he would kill him, a thing Ouray never hesitated to do when he thought it necessary. Suckett gave no heed to the warning but came back to create trouble again, and was immediately killed.

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*Note—This treaty was not concluded till 1874 and not ratified till 1875, at which time the agency was removed to Uncompahgre Valley.

The next "mal content" to take up exceptions against Ouray was one "Dynamitz." He was shot. A week later, another warrior called the "Jack of Clubs" tried to make trouble for Ouray and was shot. The fourth bad man was "Lucifer," called "Old Nick" for short, but just the same, he was shot. The fifth sore-head was Mr. "Hot Stuff." These names were applied by our boys at the agency to save time in pronouncing Indian names. The circumstances attending the shooting of Mr. Hot Stuff forms an episode more in keeping with Ouray's prowess than any of his previous "engagements."

Adverting to Mr. Hot Stuff's antecedents, it is very seldom we find in a student of Carlisle, the Government school for Indians, such wanton recklessness as that which Mr. Hot Stuff displayed at Leopard Creek, when he approached and "called down" Ouray. His Christian name was "Hammer Kauch," but his nick-name of Hot Stuff was acquired at Carlisle when engaged in some scientific experiments in which he monkeyed too carelessly with various high explosives and came very near blowing himself up while in presence of the chemistry class. It invalided him so long in the hospital that in lieu of graduating he took a vacation, and then returned to Colorado, where, to his shame be it said, he again became one of Uncle Sam's "*reservation tramps and blanketed outlaws.*"

Ouray had been informed through the medium of his secret police, ever alert, now that the ball was rolling, that the said Mr. Hot Stuff was coming over to Leopard Creek to kill him. Ouray determined, therefore, to remain longer in that camp than was his previous intention in order to accommodate the renegade, for having three Winchester's, a Sharpe's sporting rifle and an old-fashioned needle gun, he considered that he was fairly well fixed to do justice to himself. On the morning following that on which he received his warning, Ouray, was therefore on the lookout for the early approach of Mr. Hot Stuff, but that worthy didn't show up till late that afternoon, when the ever watchful Chipeta discovered him at a distance riding a calico-horse. His approach was very prudently made under cover of the under-brush, but Ouray kept him spotted just the same, and at last put a shot through his neck while in the act of dodging behind a big pine tree.

Ouray's summary methods of disposing of his enemies is probably without a parallel in the annals of the American Indian. On the other hand he was by no means a blood-thirsty Indian, for his was a true heart that ever recognized the duty of happiness, inasmuch as he invariably faced the anomalies of life with a certain courageous gayety that solved our many doubts and scattered the clouds of woe and disaster. On this account his presence at the agency in times of gloom was like a shining light over dark places dispelling our sense of isolation and making our "status quo" practically safe as between white man and savage.

Nevertheless the rank and file of the Utes made us constantly aware of the fact, that, but for him, on sundry occasions our lives would not have been worth an hour's purchase, consequently we were ever alert to the fact that his carrying off would mean the signal for a general outbreak when all of their good behavior and forbearance toward us would cease to be a virtue. However, for the time being, at any rate, there was a lull in the dark doings of the "grievance committee" and we of the agency began to breathe a little more freely again.

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A welcome change to the sameness of the tasks that crowded upon us day after day at the agency were the mail carrying stunts. These fell by turns to each of the employes, barring the cook. It was a service that kept us on the *qui vive*, and included a riding animal and a pack-mule.

When it came my turn to go on the route I invariably added to my outfit a shot-gun, my favorite pointer dog and a bottle of Gukenheimer's. Oft times there would be Indians accompanying us, but their presence never bore in itself any special significance. Some of the boys, who had made trips ahead of me, complained that the Utes were altogether too inquisitive about what the agent was writing to Washington, but I never gave it a second thought till it came around to my turn for my second trip. On that occasion which was on my return, I was visited by a band of them. They had seen some express matter about my camp that pleased them. At least it appeared to have aroused their curiosity, and they came crowding around me. I paid but little attention to them till they importuned me to open the mail pouch and read to them what was in the agency mail.

"May be so, heap big talk, etc." They seemed to think that it was their prerogative to demand this of me as an indisputable right and naturally, likewise, I was their own particular bureau of information, moreover I was their friend and "mucho amigo," etc.

On my refusing to comply with their absurd wishes they became very boisterous, but a threat to inform Chief Ouray concerning them had a tendency towards making them "simmer down." I verily believed, however, that but for their dread of the old chief's summary vengeance they would have overhauled my packs.

That fall there was such a rush to the mines, *via* the agency, that something in the way of more regular mails was demanded, but it was getting close to the coming winter before the question was brought up and then it became the subject of a public discussion at the Government agency, at which *everybody* was represented. It was then agreed upon that the agency was to be the initial point for the outbound and returning mails, or a "home station" from whence the mines would converge on separate service, Otto Mears to supervise all bids of contractors.

Seventy-five miles of hill country had to be traversed in order to reach the Lake City road, which was then our nearest connecting link with civilization. The experience of the previous winter's arduous undertakings induced our "star sub-contractor" to divide up this route into three sections with cabins thereon twenty-five miles apart. Likewise, after the coming of deep and drifting snows it was staked out for general directions as between cabin stations by planting in a line tall bushy sticks in the snow, at equal distances apart after the manner of telegraph poles, thus enabling traffic to follow the same beaten path after each successive snowfall, till in time it became solid from the ground up and resembled a raised turn pike or "boulevard." About this time an old prospector named Stewart Daniells pulled up at the agency. He had seen service at an earlier time while in the employ of the Hudson Bay Fur Company as one of their mail carriers.

Learning of Otto Mears's contracts he suggested to him the proposition of using dogs "Esquimo fashion," a suggestion that at once appealed to Mr. Mears as most emphatically to the point. Accordingly Daniells got an immediate appointment as "carrier," he to furnish his own dogs, most of which he picked up in Uncompahgre Park.

On the authority of Daniells such an enterprise demanded dogs with considerable ambition; that it did not take long to teach a dog what was wanted of him; and that after that he would make most extraordinary efforts to reach his feeding stations. Thus his dogs soon got "onto" their jobs (to use his expression), though at first inclined to attempt various short cuts at curves in the trail, as did some luckless tenderfeet, who, traveling our way and unfamiliar with the folly of attempting such "cuts" at curves, went floundering down neck deep into the surrounding snow. The stumps of numerous cottonwood trees that had been felled along this route showed a uniform height of ten feet after the snow went off.

Sometimes, too, the carrier's cabins would be so completely submerged under drifted snow that only the chimneys remained visible. Frequently the chimney had to be used for a convenient door.

## CHAPTER XI—1876

### *Thanksgiving Day and the First Grave on the Uncompahgre*

THEORETICALLY our agency was becoming socially ostracised by the snows of early winter, though our promised mail facilities would maintain us in communication with the outside world. Meanwhile the demands of Thanksgiving Day insured us a little diversion from the ordinary routine of a Government post.

Providence granted success to our hunting talent in the shape of another wild turkey. A bear had also been killed, a number of sand-hill cranes and a mountain lion. The last named, however, were more in line as trophies of our skill than as adjuncts to our bill of fare. By way of novelty in our table decorations our cook designed an enormous bouquet, not of wild flowers, for the season was too late, but of "cat tails" which he culled from a neighboring swamp. It was arranged to form an oval and had every appearance of a rich chocolate preparation resembling a prodigious cake.

George Beckwith, a nephew of old Jim Beckwith, the famous scout and frontiersman, did the above hunting exploits with the exception of the wild turkey which was killed by the writer.

After Thanksgiving Day he became our regular pony-express rider as between the agency and Cimarron river, where the dog-trail-route commenced. Beckwith's trips were pretty regularly kept up till within a week of Christmas when the pack-mule that carried the mails having become lame a horse had to be substituted for him. The only horse at Cow Creek fit to take his place was "Boot Jack," but he couldn't be found. As a last resort "Shoe String" was substituted, but after having caught him "up," George decided that he didn't want him, and resolved to take his chances at finding a more desirable pack animal in a small band of Indian stock that he had previously noted near the lower crossing as he came up to my camp. I had entertained a contrary opinion but George still adhered to his previous impression that "Boot Jack" could be found in the Indian herd below, so on that he took his departure. As a parting admonition, he said to me as he left that I would know if he had found "Boot Jack" by his firing a warning shot to that effect at the lower crossing on his homeward journey. It was then about dusk in the late evening. While preparing supper I heard not one but a succession of six shots fired close together.

It occurred to me that George was having some trouble with the Ute herd at the lower crossing, so I saddled up and went down there. On arriving I saw in the dim twilight that George was there, or, at least, his form was there, lying prostrate and insensible on the ground and another man standing over him. A horse and buggy was there also, and from what the stranger, Mr. Peyton (a commercial drummer), told me, it was he who had fired the shots that had so startled me.

It appeared that George had captured "Boot Jack," and that after having "roped" him, he tied the end of his rope to the horn of his saddle, a dangerous thing to do under any circumstances. Evidently his horse had got scared at something in the trail and had bucked around in a circle, thrown his rider to the ground and then wound the rope around himself and the other horse; that both of them in trying to get loose from each other had trampled on him, after first having rendered him unconscious of his danger by kicking him in the head when he fell.

Peyton had built a camp fire in the sage brush and was trying to resuscitate George with a flask of whisky when I arrived at the crossing. I lost no time in bringing assistance from the Agency. When we finally got him to the "post" it was late in the night. By that time he was delirious but came to again, and later on slept a little, which was towards morning. On awakening from a somewhat fitful slumber, or rather stupor, he complained of a numbness in the back part of his head and a blindness in his left eye which was succeeded by a deafness in his left ear, both defects being on the side of his head where the horse had kicked him. Having been sharp shod, the toe-calk of the horse's shoe had penetrated his head behind the left ear and a fragment of bone had been chipped off inside the skull which lodged in a brain cell. This was the cause of his death, four days later.

On the second day his right eye became totally blind and then the blank stare of sightless eyes indicated a burning fever in the brain with no hope of any further slumber except that concomitant of delirium, an occasional stupor. The language adopted for his simple wants, peculiar to his mental aberration soon became a strange medley of double syllabled but very distinct words, as, for instance, when he wanted water he called for "ice-cologne," bread was "hymilo" and coffee was "irenome."

Although he had been a fleshy person and of florid complexion, the glow of which was seen in abundant health and spirits, yet he soon became thin, pale and haggard, and sightless eyes added intensity to a most distressful picture of mental suffering.

In moments of delirium it required the united strength of three men to hold him down in bed. At other times when his fevered brain seemed to take on a passive repose he would make signs to be raised up to a sitting posture, and would call for strands of "riatta" hide for the braiding of "larriett" rope, and so propped up, with the ends of the strands fastened to the ceiling of the room he would braid the "four strand" that he had been doing the week previously, his sense of touch in fingers being perfect. This work seldom lasted for more than a half hour at a time, after which with a spasmodic movement of both hands he would grasp at imaginary wagon wheels as if "minded" to pull out of a tight place with a team. Wild shouts, resembling oaths, would make the "welkin ring," and then with one hand on the wheel, and a "whip-hand" free, he would throw an imaginary "black snake" into his leaders; then a wild laugh would follow as if in exultation;—exhausted by the mental strain he would fall back on his pillow, and either relapse into insensibility or lay writhing in pain.

Every kind of mental labor that he had been accustomed to perform was re-enacted on his death bed. His countenance, too, was vividly expressive of a tender heart; a heart of joys and sorrows, but conflicting with ever changing emotions coming and passing like shadows thrown by drifting clouds upon a sun lit stream.

At last, towards morning on the fourth day, there came a period to his illness when the hour of death struck him. Then a strange transformation of features and expression came into his countenance; the thin, pinched face swelled out to its normal contour of rounded cheeks and full lips and, as the rush of blood ascended to his brain, there came a smiling face and a luminous eye. Pent up nature likewise restored speech to those quivering lips, and as the rush of blood ascended to his brain, memory was again established, for he called us each by name as we stood around his bedside, not forgetting old Shavano (war chief of the Utes) who was kneeling in prayer for the dying man. (It was the custom of the Ute Indians, like most other wild tribes, to adopt a standing attitude in prayer, but Shavano's custom was to kneel, having been thus taught by Catholic priests at Santa Fe, who once exercised a guardianship over him in his youthful days.)

Shavano's prayer, which was spoken in Spanish, translated, was as follows: "May the Great Spirit that lives in the Sun have mercy on his soul that he may go to where our forefathers live in the 'Happy Hunting Grounds' and be forever at home, and forever with his friends. In a little while he will go to the Sun and see the Great Father of all the Utes. "Poca tiempo vamoosa por sol (pretty soon he will go to the sun)." This last sentence was twice repeated in broken English by Shavano as he arose from prayer pointing upwards with an impressive forefinger as he joined our circle of waiting and watching while the boy's spirit was passing out to its final rest.

We buried his remains on Christmas day, December 25, 1876, on the summit of a hill about a mile northwest of the Agency (near the present town of Colona, Ouray County), the site of the grave overlooking the main river valley north and south.

It was snowing at the time of the funeral in which Major Wheeler read the impressive burial service from the pages of an Episcopal prayer book. Shavano followed us to the grave, accompanied by six other Indians, who stood a short distance apart from the rest of us. After the last sad rites were concluded and we started homewards, these Indians all rode past the grave with both hands extended in air, a tribute of respect to the dead, and expressive of their sorrow for a comrade who had fallen by the wayside.

It was in the early gray of dawn preceding Christmas day that he died—a sad sequel indeed to his prearranged plans for a Christmas surprise party that he intended to have carried out on a long cherished trip back home to New York.

Good old Shavano! He, too, has since passed "over the range" to join that "silent majority." Like Ouray, his life was cast in hard lines and in desperate corners. An Apache Indian by birth, a Ute by adoption, yet he was ever loyal to his friends through thick and thin. "Requiescat en pace"—dead, he is not, but departed, for,

> "Kind hearts are more than coronets,
> And simple faith than Norman blood."

# CHAPTER XII—1877

## *True Western Conditions; Evolution of an Indian Scare*

IF I was getting tired of the Reservation I never said so. I was out of the way of temptation, saving money and lived a tolerably moral life. But while this seemed to me to be the chief end of man, yet it seemed to me that I had no use for quite as much solitude as 15,000,000 acres of Indian lands afforded me. However, in rambling around on horseback, which I often did, I used to think that it was a grand thing to represent this landlordism of "Uncle Sam," even if there were no telegraphs and not much to brag of in the way of population.

There was some white population, though, to the manner born as it were, and personified in the wild untamed cow-puncher, who occasionally became aggressive and mixed deviltries at short range with Mr. Ute, thereby furnishing the material for much "crazy patch work" in the eccentricities of journalism.

Uncompahgre Agency in 1877 was counted a hard place. Indeed, many shady and depraved characters found in the reservation both seclusion and safety thirty-five years ago. Prominent among the latter were a couple of "toughs" known as Oregon Bill and Happy Jack.

To be "drunk and dressed up" was in their estimation quite as respectable as it was harmonious. By that same token whenever they entered a saloon and called for a round of drinks they never profaned their lips by touching the same glasses in the "second act," invariably breaking them on the bar room floor after having imbibed. "No man puts his wine 'inter' old bottles," quoted Jack.

The most prominent thing in the whole "San Juan country," as already alluded to, was the "Ouray boom," one-half of which was on the Ute reservation and the other and better half up in the ranges of the Continental divide. Denver and Pueblo journals quoted the "excitement" as genuine and "argonauts" from the older camps flocked into the new Eldorado. Across the mountains they came, singly, in pairs, and by squads. When night came they rolled themselves in their blankets and slept in the cradle of the silent hills.

Alamosa was then our shipping point, being at the end of the track of the Denver & Rio Grande railroad. It was frequently my duty to go there to inspect Indian supplies on their arrival from St. Louis. On one occasion while thus engaged I was approached by a Mr. Felton, whom my father introduced to me as editor of the Saguache Chronicle, by way of a request to give him a weekly "write-up" of all the various items of Indian news that might come to my knowledge at the Agency; I to receive a salary.

At first I hesitated at closing a bargain with him from motives of prudence, which prompted me to consider, first, the risks attendant on too much freedom of speech, second, my probable failure to distinguish properly between such as might be reservation secrets and those which might not. On the other hand, I reflected that by rejecting his offer, so freely extended, I might be robbing myself of the very opportunities which the Department might recognize as "perquisites," and which were always desirable, while the further fact of the very advantageous position I then occupied, as Agent's private-secretary, which gave me exceptional opportunities for furnishing exactly the kind of information wanted, confirmed me in the above belief. I was, therefore, both willing and anxious to make use of what little knowledge I possessed, that was of service to the office for the benefit of others.

I further reflected that no possible risks would be incurred if I only exercised ordinary care over everything I wrote for the press. Nevertheless, I confessed to myself no little trepidation when I afterwards approached the Agent for permission to report "news" of the Utes, and was no less "stampeded" when he bluntly termed my ambitious project "*a weakness for newspa-*

*pers.*" Indian excitements and mining booms, he went on to say, were necessarily occasioned one by the other.

It is not putting it too strong to say that I felt crushed by his curt refusal. Indeed, for several days thereafter, it seemed as if I were still listening to his sarcastic remarks at my expense, albeit I scarcely understood them.

There was a long silence; only a fly buzzing on the window pane disturbed the profound quiet of the room. I had almost forgotten which of us had spoken last when Major Wheeler declared that there was absolutely no excuse for the dense ignorance exhibited by the Indian Commissioners at Washington as to the real condition of affairs within the reservation where the Ute agency, for all practical purposes, was as helpless as if it occupied a position betwixt the devil and the deep sea.

Manifestly there was no other alternative left me but to submit gracefully to his emphatic opposition to my wishes.

Fair were those "castles in the air" which I had built on fond expectations, never dreaming at the time that in spite of fate in this life, it is the unexpected that always happens, and that by a parity of reasoning it is the unexpected that always wins.

The unexpected in this instance was a copy of the *"Saguache Chronicle" that came to my address at

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*NOTE—The Saguache Chronicle was then the property of Otto Mears, who hired Hon. W. B. Felton to run it for him.

Antoine, the Interpreter

Uncompahgre agency, which contained a striking editorial founded on a letter that I had written to my father concerning the growing intemperance of the Utes, both on the reservation and off of it. In a word, this aforesaid letter was as good as a "mascot" on this occasion, inasmuch as it solved for me in a day the whole problem of my fondest dreams, the editorial reading as follows:

"Some queer revelations about discipline in the Ute Indian country have been made from time to time, but the Indian Department seems to ignore the inability of their agent to meet any form of frontier emergency calling for decisive action.

"It is strange to outsiders to learn of Indians* hanging around freighters' camps all day drinking and quarreling and trying to fight.

"Ordinarily a drunken quarrel among Indians, or even a drunken murder, is not so remarkable as to arouse wonder, but for such things to happen inside of Reservation limits strikes the unmilitary person with surprise because it upsets his preconceived ideas of army regulations, which regulations, it is taken for granted, ought to extend to and include Indian agencies as well as Army posts.

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*NOTE—Antonio, previously mentioned as "our Aztec herder," was undeniably the worst of this bad "lot." For a brief time, previously, he acted as "Government Interpreter," but his treachery and double dealing was so palpable that he was ordered off the reservation. Two years later, in the Gunnison country, he was killed by a stroke of lightning.

"Our sincere sympathies are extended to all of those unfortunate settlements bordering on the Reservation and it is to be hoped that the Department will ere it is too late, establish a 'protectorate' to adequately patrol this much exposed 'frontier' whose defense has been so long and urgently advocated in these columns."

My surprise was only equalled by my pleasure when Major Wheeler, as I presently noted, assumed an unmistakable and very flattering attitude towards the Chronicle and its management, which management, by the way, included the writer's father.

In view of this fortunate circumstance it occurred to me that now was come a turning point in my favor to soon become the Agency's reporter. It is needless to say that I again "applied" and that this time I was successful.

It is now some thirty-four odd years since I wrote the aforesaid temperance revelations. *Many of the Agency boys have since passed over the range.*

That the Agent's office became, after the date of the Chronicle's arrival thereat, my loafing place outside of regular office hours was natural in view of the very warm friendship that henceforth abided between us, (though previously it held no essential charms for me.)

Many hours of my idle time, however, I regret to say, were devoted to poetical effusions and much office stationery, likewise, was wasted on the bold brigandage of Happy Jack & Co., most of which was periodically consigned to the waste paper basket. This properly explains why I was subsequently called upon to endure the mortification of listening to "Scotty," the mail carrier's, declamation out of my vocabulary, supplemented, too, by a most startling and villainous parody on my favorite heroes, all of which, saving my own presence, was duly addressed to his horse and otherwise "wasted on the desert air." To the extreme gratification of the writer "Scotty" took a short "lay off" about this time, February the 13th, to visit his girl, a fair and amiable companion, one who had in some way made a most remarkable conquest over him. "My Valentine," he called her, in honor of the day on which he took his leave. It was for her that he labored diligently in the wilderness, for, according to his own authority, "the light of her eye never shone on any other but Scotty." It was to his permanent welfare, likewise, that Providence decreed that they should become man and wife, in that she always exercised a good influence over him.

Saguache was her home. There also was the 'Chronicle office,' in which she worked, and the hook, too, on which Scotty usually hung up his "public sentiments" concerning Governmental affairs, much of which public sentiments, I regret to say, were centered on "the Agency" with the writer as a prominent figure.

To the edification of Editor Felton much circumscribed matter, of which the least said about would have been the better, saw the broad light of day. These communications, founded no doubt on Major Wheeler's waste paper basket, were invariably accepted by Mr. Felton as *bona fide copy*, a fair exchange, no doubt, for the numerous "schooners" and sundry glasses of Gukenheimer's best "credited" against him by Scotty.

### CHARACTER OF THE AGENT.

As an officer of the Government, Major W. D. Wheeler had executive ability, but unlike his predecessor, the Reverend Henry F. Bond, he possessed none of those personal charms indicative of kind manners.

Being an ex-Army paymaster, his methods were precise and business-like. In character he was stern, peremptory and exacting. While still a member of the Unitarian church denomination at Boston, he did not, however, "cut much ice" as an ecclesiastic. Subsequently to his services in the Civil war, he was associated with his able and distinguished brother, Lieutenant George M. Wheeler of the U. S. Geographical Survey West of the 109th Meridian.

### A FAKE THAT TRAVELED ON ITS FACE FROM A WASTE PAPER BASKET TO WASHINGTON, AND ITS ALARMING CONSEQUENCES

At various times during the spring of 1877 I was called upon to assist the mail carrier on his regular trips across the Cimarron "divide." I could count these trips to Scotty's camp on the fingers of one hand, for they were short and far between. Our meeting place was invariably under the big cotton woods near the present railroad "round house," known as Cimarron station.

My last trip was on a cold, gray morning on the 30th of March, 1877. I had started early from the agency, but it was evening before I arrived on the banks of the Cimarron river. Scotty was already in camp when I arrived, but he was not alone. The stranger whose wagon was turned out by the side of the road was none other than "Oregon Bill." A coffee pot was on the fire steaming away and an old dog growled at me from under the wagon.

"Stop that durned noise, 'Shep,' " said he, addressing his dog.

Having finished cutting up some venison steaks, he next went to his wagon and getting out some tin plates, knives and forks, cups, etc., and putting them on the ground, he invited Scotty and myself to take supper with him.

Suddenly we realized another's presence not far off.

"Whoa! Dol gon yer. Can't ye keep yer feet to gether till I hobble ye?"

Looking up the side of the mountain we saw a man make a vigorous kick at an old mule who jumped out of the way. Of course the man's kick struck nothing but air, and down he sat more forcibly than elegantly. It didn't require a second glance to convince me that it was Happy Jack who now came down off the mountain to join us at supper.

After the meal was over we lit our pipes for a sociable smoke and talked on different things. Scotty declared that the Utes had threatened to stop the mails. "There's breakers ahead, fellows, and no mistake." While we were discussing this point, he pulled a late paper from his pocket (the Pueblo Chieftain) saying as he did so that there might be something interestin' fer us to read, handing it to Happy Jack and pointing as he did so to a prominent head line on the outer page (for Jack could read, although lacking the ability to write).

"Well, I'll be d—d if this doesn't beat the band for a corker," said he.

Suddenly I knew what he was looking at, as glancing over his shoulder I followed the headlines, just visible above the folded edge. The words were: "The

Utes are out on the war path." In a moment he had spread out the sheet. The big letters referred to a short telegram lower down, to-wit: "The Utes killed and scalped Oregon Bill and Happy Jack the other day on the Uncompahgre. It is thought that the white men met with their just deserts. The killing is said to have taken place near Ouray." To say the least there was a decided war tone about it.

"Sounds sorter complimentary to us, intimating as though we've only met with our just deserts," coolly remarked Bill with a sneer and an oath. Unlike Jack, he possessed a fair education, but in camp he naturally fell into the habit of using slang phrases.

"It's my idee," added Jack, as he handed the "Chieftain" back to Scotty, "that sum d—d fool at the agency over thar' dun writ that ere libul agin us fer a joke. Ef I dun knowed fer keeps as who it were, I'd make him hard to ketch, I would!"

During this colloquy I realized by the camp fire's fitful light that Scotty was winking at me very hard. He prided himself on his wink, did Scotty, and it occurred to me, too, that there was something suggestive about his method of winking as of some darkly hidden meaning that one is compelled to believe must be brilliant if only found out.

My suspense was not of long duration, however, for presently between his winks he contrived to slip the

"Chieftain" across the fire to me, and unawares, as he did so, enfolded a piece of writing paper between its folds. Scanning the written words on the note inside I recognized in the chirography my own handwriting, and observed that the language used was identical with that of the Chieftain's article. How plain it all was to me now. Evidently Scotty had been rummaging through the agency's waste paper basket, and resuscitated for Editor Felton's benefit some of my dead and buried heroes. Evidently, too, the Pueblo Chieftain had copied this fake from the "Sagauche Chronicle." But why, I mentally queried, had not Scotty given me a hint in advance before this audacious joke had so far gotten the start of every effort of mine to head it off? I did not have to wait long for the coming explanation, however, as an opportunity was soon afforded us for a little private talk when Bill and Jack left the camp fire to inspect their hobbled animals on the hillside.

"Well, Sid," said Scotty, "I was jest a 'settin out' fer ter state as how I came by that ere 'gag' of yourn, but I didn't quite know my grounds as twixt you and I, and our side partners up yonder (pointing to the hill). Yer see, I sorter over reached my grip, so ter speak, fer I didn't calkilate on that ere gag's goin' further than the Chronicle office. I just put Jack in the paper for a 'gag' on his best gal. As for Bill, too, I was jest itchen' fer a chance ter spoil his contract of a pilotin' of them air English toorists acrost this mountain kentry, so I back-capped him, same's I did Jack. It'll cook his goose O. K. any how, I'll bet."

"Well, but Scotty, you oughtn't to jump out of the clouds onto a fellow in that way without first giving him some previous warning. We won't hear the last of this story very soon, I can assure you, for now that the Pueblo Chieftain has published it 'cold,' the 'Associated Press people' will keep the ball rolling till it gets to Washington."

Scotty's fancy, and the courage of his imagination ended there, and he remained uncommunicative till Bill and Jack returned. Meanwhile our camp fire had burned lower and lower. The night was dark with occasional flashes of moonlight breaking through rifts in the clouds, which cast a strong, but momentary illumination across the sober landscape, over which in fancy and imagination I thought I had already made my last journey.

According to "Associated Press dispatches," Happy Jack & Co. next appeared in the Denver dailies. Kansas City, St. Louis and Chicago journals followed suit, and so on all through the Eastern press to Washington, whereupon the War Department immediately telegraphed to the commanding officer at Fort Garland to order a detachment of cavalry to the scene of the supposed outbreak with orders to report to the agent for instructions.

What if this coming cavalry force should run across a party of Indians, while en route hither from Fort Garland! I labored under the baneful influence of suspense, and I was oppressed, too, with a sense of the disproportion between the subject matter of my practical joking and its probable consequences, both present and future.

All's well that ends well. Therefore as the days passed I experienced more and more the truth of that old saying, to-wit: "The folly of the most foolish man is no match for Providence." That my *weakness for newspapers* was vital to the salvation of the agency was proven by subsequent events, for the Utes had all along been quietly and secretly buying up all the ammunition that the surrounding country afforded, and only awaited the coming of the more abundant spring grasses to accommodate their ponies with sufficient forage ere they started out on the "war path."

Lieutenant John Conline of the 9th United States cavalry was, therefore, a necessary evil.*

Thus was my grief turned into rejoicing and the story of my regrets into songs of hope.

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*See annual report of Secretary of War for 1877, also the report of the Commissioner of Indian Affairs for 1877.

An appropriation by Congress was next made for a more competent survey of the reservation to the end that its limits be defined by substantial monuments as between Indian lands and that of the whites who gave us no further trouble.

A cantonment of cavalry under Lieutenant Conline was next established and this, in its turn, at a later date gave place to the more effective regimental garrison known in "the eighties" as Fort Crawford.

Spring crops were planted at the agency and a general season of prosperity followed, a marked feature of the confidence which the Government had now, though undeservedly, regained in the estimation of the Indians.

# CHAPTER XIII

## *Flotsam and Jetsam*

SOME of our leading newspapers adopt this heading when they want to give the reading public a string of disjointed paragraphs entirely distinct from each other. For the same reason it has occurred to the writer to bestow the above title on the present chapter, seeing that its contents have been culled from things floating about in the margins of my note book that were marked "difficult of classification," yet they might be of interest to the general reader. Owing to a quandary as to what I meant when I first made "those notes," I have had to do what Mark Twain often did, to-wit: "To jump at" conclusions, seeing that about this time (1878) my little journal was destroyed by fire. Consequently it is from memory that I henceforth make good those as well as other notes.

Somewhere it has been said of history that it makes a young man old, giving him the experience of age, without its infirmities. However, this is hyperbole and is inserted herewith out of compliment to the Utes who claimed to have had a man amongst their tribe who was a thousand years old. He was their only "mossback," for the reason that he lived on and on from generation to generation and gathered up all the "moss" and all the traditions of the Indians, one of which was that the "hot springs," those near the present town of Ridgway, were once a geyser. Be this as it may, an earthquake shock struck the American continent at Portland one fine morning in the month of February, 1878. It was a cataclysm, in that it raised the waters in all of the hot springs at Ouray and those near Ridgway, noticeably so in the latter to the extent, approximately, of ten feet. The Solid Muldoon's locals referred to it, not as an earthquake proper, but rather as earthquake phenomena.

The foregoing locals evoked much discussion among "Ouray's experts," which were mainly controversal, the net result of which was a final appeal to that high authority on all seismic disturbances, Professor Hayden, who answered them by letter, a part of which is herewith quoted, as follows:

"The phenomena alluded to in your letter was no doubt due to gas accumulations in those extended caverns which underlie the bed of Uncompahgre river.

"The fact of the Portland shocks being the center of a disturbance as at a point equi-distant between the hot springs at Ridgway and those at Ouray covering a distance of nine miles would indicate a continuous system of underground caverns beneath the Uncompahgre

Valley or that portion of it described in these pages as 'the Park.' "

Old timers at Portland who had conned the works of Mother Shipton predicted the end of the world as immediately come, or, if not right off, then most assuredly this earthquake was the beginning of the end. A band of Utes reported a similar disturbance to this at points all along the high divide between Cow Creek and the Cimarron, where certain "lignite" coal veins have been burning for years. Thus, it will be seen that the above mentioned gas accumulation emanated from coal banks as well as from the vapors of hot springs. Apropos of this phenomenon of 1878, which the writer alluded to in a "write up" of recent years, and the same which having meanwhile been brought to the attention of Professor Roland Blake of the State University at Boulder, a request was made of me to send him a sample of the waters of the Ridgway hot springs for analysis. Accordingly the findings of that analysis are appended herewith.

### ANALYSIS OF UNCOMPAHGRE HOT SPRINGS WATER.

2.956 parts of solid matter in 100. Of this solid matter

57 per cent is Calcium Sulphate.......$CaSO_4$

38.6 per cent is Lime...............$CaCO_3$

0.9 per cent is Sodium Sulphate....$Na_2 SO_4$

1.1 per cent is Sodium Carbonate...$Na_2 CO_3$

0.9 per cent is Organic Matter.

0.4 per cent is Ferrus Sulphate....... Fe $SO_4$

There are traces of zinc and Manganese as phosphates.

Some magnesium with the calcium.

The iron is oxidized upon contact with the air to red ferric hudroxide—Fe $(OH_3)$.

According to the equation, $2Fe, SO_4xOx5H_2O$ equals $2Fe\ (OH_3)x2H_2\ SO_4$, the Fe $(OH_3)$ is insoluble and forms a precipitate with some of the calcium salts.

An object lesson is afforded us by this analysis which illustrates the cooling and heating processes of nature in their relation to each other as of the difference between the sillicates and the sulphates of magnesium. According to Boulder scientists the former of these two has its prototype in the sillicates of the famous geysers of Yellowstone Park, Wyoming, whose sediment is deposited in water while the solution is *cooling* (forming mounds around their craters). Quite the reverse action is produced by the sulphates of magnesium, whose sediment is deposited in water while the solution is *heating* as is illustrated by the Uncompahgre hot springs.

* * * * * * * *

Portland gained its importance in "the seventies" from the fact of its being the chief seat of trade for "the park" which, as previously recorded, held the only available farm lands adjacent to the mines, seeing that the reservation of the Utes crowded it close to the foothills, thereby leaving the whites only four miles of land for agriculture.

Ranchmen in the park, in "the seventies," got well paid for their produce, obtaining for it Eastern prices with freight added.

Ten miles further down the valley we come to Colona, once the site of Uncompahgre Agency. Not a vestige of the agency now remains, every land mark being gone, except Beckwith's grave on a hill west of the town.

Returning to old Dallas, or rather to Ridgway, so named after Colonel Ridgway ("Old Tige"), superintendent of the third division of D. & R. G. R. R., we find the most prosperous little town of any size between Montrose and Ouray, enjoying as it does the advantage of being a junction town for freight and passenger traffic on the Telluride branch of the Denver & Rio Grande railroad. Previously, in "the eighties," this forwarding business was done at "old Dallas" by wagon transportation.

Preston and Enos Hotchkiss (after whom the present town of Hotchkiss in the North Fork country was named) were the founders of Portland, while George W. Cobb was the founder of Dallas.

### PORTLAND, IN OURAY COUNTY, LOSES TITLE TO ITS NAME

The above caption was part of a statement set forth by our present (1912) Secretary of State, James B. Pearce. He had been advised by the County Clerk of Ouray County to accept the filings of incorporation papers for the Town of Portland, Fremont County, seeing that when the papers were presented for said filing the question arose whether the deserted village of Portland, in Ouray County, was not still entitled to the name of Portland.

In view of the fact that Portland, in Ouray County, had finally become abandoned by its very last and only settler, the other Portland got the name. Its demise, however, was not due to what has been previously described in this connection as earthquakes, but was substantially due, wholly and entirely, to the decline of silver mining.

"Sweet is oblivion, for there no treason lurks,
There no envy swells, there grows no damned grudges,
There is no noise, but silent and eternal sleep."

And still another town, "Old Dallas," twin sister to Portland, was doomed to the inevitable, but by a means more direct than Portland's, for destruction by fire was its fate. Having no insurance, its citizens were so crippled by the calamity that the town was never rebuilt. However, the town of Ridgway, two miles further up the river, was designed to take its place. This was the work of D. C. Hartwell, who paid for the grading of the railroad to it, and who also laid out the public square, which now bears his name.

Mr. Hartwell was one of those rare men whom history delights to praise. Unfortunately for him, instead of realizing the fruition of his hopes as his three score of years drew nigh, his declining days were filled with many bitter disappointments owing to the downfall of silver mining.

Apropos of Hartwell it might be well said that "the life of every man is a diary in which he means to write one story and then writes another; and his humblest hour is when he compares the volume as it is with what he vowed to make it."

Another picturesque character well known to the denizens of old Portland and old Dallas was N. C. Creede, whom George W. Cobb frequently outfitted with "grub stakes" to prospect for him the upper waters of Cow Creek. It was characteristic of Creede that his talks about successful prospecting invariably ran into "*the million dollar racket.*" He was forever on the verge of "reaping golden harvests in the near future," therefore, by a parity of reasonings, when, at last, he wore out cruel fate and struck the white metal, he struck it in rich streaks. For that matter the "old day of carbonates" turned the heads of both the young and the old. Like Creede, my former side partner, who at this time was an old cowboy, was also a good prospector, and for that very reason frequently posed "*as my guide, philosopher and friend.*"

Consequently, by degrees, that same golden harvest talk of his so influenced my mind that I at last went "snooks" with him. But to my chagrin be it said, all of my prophesyings and prospectings turned out to be the veriest "flotsam and jetsam" imaginable, especially at Portland.

Back up the valley, then, to Ouray was where we next went, confident this time that at the head waters of another Portland creek we would strike "our everlasting Jack;"—but no, it was not to be; indeed there seemed to be a fatality about the very name of Portland that was as blighting in its effects and as *baneful to our hopes as if it emanated from "Pandora's box."* However, in spite of the irony of circumstances, we kept a stiff upper lip and got ready for the Rico excitement, where, at Nigger-Baby hill, black manganese and zinc fooled many an old time miner and set him to building "air castles" till he found out the truth; then "*ruination and sudden dawnfall*" overtook him.

But there were others who penetrated below the "surface indications" and cut those rich stratas where the maelstrom of past ages deposited the "flotsam and jetsam" of "carbonates." The white metal was there but it was not for us. However, we took our medicine and said nothing about it—"so fades the glory of this world, never to return again."

* * * * * * * *

"Sid, we're up against the solid granite. Let's call quits and go back to the Uncompahgre! Let's throw up our stakes."

My partner was anxious to get back home, and for that matter, so was I, consequently his motion was seconded and carried, whereupon, figuratively speaking, we waved our hats back at Rico and headed our horses' heads towards Uncompahgre Park. (God's country, he called it.)

* * * * * * * *

Several days thereafter, in an alfalfa patch, my side partner made the longest speech he ever made in his life, a speech that I have remembered through all of the succeeding years, to-wit:

"Oh! I want to be a rancher and with the ranchers
stand;
A crown upon my forehead and a head gate in my
hand."

# CHAPTER XIV

## *Moss Backs Posed as the Fathers of Ouray, but Got Lost in the Shuffle*

AFTER the first smelter blew in "the old man" rule was proposed for Ouray, but unfortunately for them nobody seemed to take any interest in their claim as the city's fathers. Misguided and poverty stricken, but none the less determined were they on holding permanent office. But the young men of Ouray were not in accord with this expressed wish of "the moss backs," for they looked not upon them as the *fathers*, therefore ineligible to continue to be "the old board." Accordingly the young men held a mass meeting at which they elected a new mayor, whose duty it was to immediately *oust the old board*, but the latter were obdurate and refused to be ousted; furthermore they at once became a self constituted *board of county commissioners, as well*, so as to outrank the mayor's authority. Then in order to play even the younger element elected a new county election and "swore in" their new county judge. This man, Judge Cutler, was not to be trifled with. He thereupon approached the "old board" and told them to get out, that their time was up, but there they still were, just the same.

They were then seized and put in jail, and thereby the new board at once became "high rollers" and was inducted into office, but unfortunately they discovered that the county's books were missing. They had been secreted somewhere by the "old board" and thereby arose a confused and unsettled state of affairs in the Court-house that *was very demoralizing.*

By legal lights in Ouray it was contended that the new election *element* was *invalid* in that it was called for *prior* to the town's incorporation. Some one then moved that a committee be appointed, at which a resolution was adopted to have the question decided by the district court, which court would meet in June at Silverton.

Here Hon. Thomas M. Bowen sat on the bench and it was he who finally decided that *the old board* was an "ex board" and that the new board was *legally* elected, but on the other hand, however, he served an injunction against the new board's doing any business till the county's books were restored.

A report gained currency that they were locked up in the office of the U. S. Indian agent at the Uncompahgre Agency; it having been hinted in an inuendo that his sympathies were strictly with "the old board." Pursuant to these reports, accordingly, a vigilance committee visited "the reservation" and overhauled Major Wheeler's office, but failed to find the missing books.

At last, however, by dint of constant searchings they discovered the county books in Ouray at a saw mill, beneath a pile of saw dust. They were at once brought back to the court house and placed where they belonged. Then it was that the "deadlock" was broken and the new board enabled to do business.

The occasion was made a "gala day" in Ouray and throughout the adjacent mines, where much dynamite was exploded in its honor. As an after-clap to the foregoing developments and by way of a reprisal for false imprisonment, the old board introduced suits for damages in the district court (individually aggregating $25,000.00) as against Judge Cutler, but Bowen refused to consider their grievances and threw their suits out of court.

Circumstances make men. Men also made the circumstances, the reaction of each on each is indisputable and peculiar. Perhaps the truest way to put it is to put it as it has often been put before, to-wit: Circumstances first make the man who then generally returns the compliment by re-making the circumstances all over new again.

Business conditions are peculiar in the great West. Fortunes are made in a day. It is no wonder they are spent in a night. It is a marvel to one from a region where wealth is only accumulated by slow years following, may be, in the footprints of a father's business, to see the rapidity with which men vacillate between wealth and poverty with the changing seasons in these Western mountains. He marvels, too, at the credit a Westerner gets from any source when he is broke. The merchants' soliloquy, "I am sure of pay if he don't die; a month may see him rich," he regards with amazement.

In New York or Boston such an idea was never brewed, not even in the benedictions of philanthropy. So it is that men get reckless. When they get broke they know their credit is good, when fortune smiles their credit is redeemed; and they spend with a lavish hand confident it will come back again.

Men dishonorably discharged from the army, crooks and desperadoes, and still others who had left their country for their country's good met and mingled with the better elements of citizenship at Ouray on an equal footing, for the country was new, and was, therefore, open to all alike, a fair field and no favors. Many a man with a past that there was no looking back to had opportunities in "the sunny San Juan" to redeem a clouded reputation, to be "born again." In a word, to reap better rewards than "flotsam and jetsam;" to be a man once more and move in a circle where life, thenceforward, was ever destined to be a bright prospect and all the world a glorious opportunity.

# CHAPTER XV

## **The Golden San Juan*

TAKE your map of Colorado and place the point of your pencil on the spot in the southwestern part of the state, which is marked Red Mountain. With a string, draw a circle with a radius of fifteen miles. Within that diameter of thirty miles lies the most richly mineralized spot on the face of the great round globe.

By arbitrary political divisions this wonderful mineral section lies in four counties, San Juan, Ouray, San Miguel and Hinsdale. For the purpose of this article, only the three former will be considered, although the recent wonderful discoveries in the western part of Hinsdale County gave rise to a large-sized suspicion that the last may possibly some day be first.

For general purposes and in the mining nomenclature of the state this section is known as "The San Juan." Aforetime its praises were sung as the "Silvery San Juan"—alliterative but true nevertheless.

To the pioneers who in '73 and '74 first gazed on the grandeur of King Solomon, Engineer Peak or Mt. Sneffles, the very mountain sides seemed in imagination bursting with hidden wealth. Possibly there was something in the atmosphere to make the pulses throb with anticipation. Possibly the wonderfully invigorating air, the liquid crystal of the almost numberless mountain streams, the silvery gloss of the stars and the sheen of the full, round moon, the prodigal wealth of the ever changing color on every mountain side and rugged peak, helped to stimulate the imagination as the weary prospector unpacked his tired burro in Baker's Park, at Mineral Point, and under the crimson dome of Red Mountain.

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*Copied by permission of Clarence O, Finch, editor Silverton Miner.

And to the new Eldorado they had found, men applied the sibilent sobriquet, "Silvery San Juan."

In those days men came hunting silver. And they found it—mountains of it. Veins of mammoth thickness and rich beyond compare, running from the surface directly toward the heart of the most inaccessible mountains. No low grade propositions in those days.

A prospector without grub enough to last over night would have scorned to bother with a proposition which did not give promise of more than $100 to the ton.

Think of the nerve of people who would dare to pack ore over the mountains a distance of three hundred miles on burros and by wagon, to a smelter. But they did it, and they made money by it, and they got rich—some of them—and they paved the way for the development of the greatest mineral section in the world.

Some of these pioneers did not get rich here—in money. Some there were who only accumulated experience which was to serve them well in other directions. Need I mention names familiar to the readers of the Journal? W. S. Stratton, here in the San Juan, gained the knowledge which was so valuable to him many years later. J. R. McKinnie lived and toiled here for years, and accumulated property and experience, both of which are valuable assets today.

Call the roll of those old properties which in past days yielded their silvery richness: The Guston, Yankee Girl, Vanderbilt, Hudson, Mickey Breen, Pride of the West, Polar Star, Forest, Syracuse, Aspen, Red Roger, Ben Butler, Molas, Alaska, Silver Link, Old Lout and many others.

Most of these are now classed as back numbers.

They are not.

They are available silver properties and still contain millions of dollars of wealth. Some of these days some shrewd investor will come along, clean out the abandoned drifts and tunnels, install some up-to-date machinery, scrape the rust off the boilers, build a fire and—

Behold, another Aladdin's lamp which only needed rubbing.

There was a time when the word gold was not popular in this section. That was for two reasons. The people did not know they had it, and they did not know they needed it.

Now they know both.

When silver sold for $1.29, it did not occur to the miner that it would be to his interest to ask the assayer or the smelter man if his ore contained any value in gold. Just how much the aforesaid assayer and smelter man benefited by this oversight on the part of the innocent miner this deponent sayeth not, but it is whispered that more than one fortune of great magnitude is due to this same over sight.

Strange? Yea, verily, but true nevertheless.

But there are a great many strange things in a mining camp, other than the near-sighted miner and the long-sighted assayer.

One is the wonderful recuperative powers of a mining section.

When the drop in the price of silver made that metal practically a by-product, men commenced to hunt for gold.

They call it the "Golden San Juan" now.

Not that they are not mining silver any more.

Bless your heart, no. The great silver-producing mines of this San Juan trinity (for, mark you, the name San Juan is used in a generic sense; its identity must not be lost because man has drawn arbitrary political lines) will continue to give up their riches of silver many, many hundreds of years after the press on which this is printed has gone to the scrap heap.

The truth is, that people have found that a double team drives better than a single one. This is said from a mining and not a political standpoint. This article is not a discussion of financial theories.

Prior to the tremendous and disastrous decline in the price of silver, the output of gold from the San Juan was inconsiderable. Now, gold mining is the leading industry. And the industry is growing, not annually, but daily.

Today (1912) the Camp Bird mine at Ouray is the richest mine in Colorado. The price of $9,000,000, which the company now owning it paid to Tom Walsh, ranks as the highest price ever paid for a mining property in Colorado. In 1902 the three counties of San Juan, Ouray and San Miguel produced more gold value than all other metals combined. The tables of mineral values as compiled by the state bureau of mines, afford interesting comparisons for those who have patience for statistics, or for those who take interest in the growth of the commonwealth.

Just a few will suffice for the purpose of this discussion. In the year 1902 the San Juan triangle produced $5,500,000 of the $12,225,000 of gold produced in the state, outside of Cripple Creek. It produced fully one-half of all the copper of the state. Its production in gold was almost three times its silver. The increase in gold production was nineteen per cent over the previous year, while the increase in the state at large was only six per cent. It paid more than twenty per cent of its production in dividends. The balance of the mineral-producing sections of the state paid less than twelve per cent dividends. Take these facts in connection with the added truth that gold or gold-copper values predominate in three-fourths of the shipping mines and you will begin to realize why they call it the Golden San Juan.

But this is not all. The total production of gold in the three counties increased from $2,705,309 in 1897 to $4,558,789 in 1901. In San Juan County the increase was one-third; in San Miguel, three-fifths; and in Ouray almost three-fold.

In the five years from 1897 to 1901 inclusive, the total mineral production of the three counties of San Juan, San Miguel and Ouray approximated almost $40,000,000. Of this, about $19,000,000, or nearly one-half, was gold. The balance of value was divided among silver, lead and copper. Of the three in the production of gold, San Miguel stands first. In silver Ouray is first. In both lead and copper, San Juan is first, but the table of figures, if they could all be spread out before you, shows easily and conclusively that as the years go by the steady tendency of all three counties is an increased production in gold.

The political economist will talk to you vaguely of the immutable laws of supply and demand. The statistician will point to the world's production of precious metals at different stages of the world's history. These learned gentlemen are valuable in the world's progress simply as sign posts and finger boards.

They are not one-half as valuable as the men, who when the world demands silver, know where and how to find it; and when the world concludes it needs more gold are able to switch from white to yellow. This is what the men who have made and are making San Juan have been able to do. And they are neither wizards nor necromancers. Only plain, practical, every day miners. The only theories they possess are those they dig out of the granite. And those are hard to controvert.

There are some mining terms which do not often greet your ear in the San Juan. Shaft, hoist, pumping plant and kindred terms, which in Cripple Creek and many other mining camps, indicate the nature of mining, are but little used in this section.

Here, when a man wants to make a mine he goes out to the side of one of our immense mountains and starts in horizontally. When he strikes ore (as he usually does) he lays a little steel track, gets a few ore cars and pushes the ore out on a level. When he strikes water (as he usually does) the tunnel carries it off and at the foot of the hill he uses the aforesaid water to run his mill. Thus he saves hoisting the ore and pumping the water, and furnishes power for the machinery all at the same time.

Yankee ingenuity combined with Western push? Yes, possibly.

Mostly, though, it is merely a common sense way of mining in a country which Nature has set all on edge. For, be it known, if you are such a tenderfoot that your eyes have never been gladdened by the sight of these magnificent peaks, that this is the Switzerland of America. If these peaks and gorges and water falls were located in the most inaccessible portion of Thibet scientific and geological expeditions would be organized and thousands of travelers would annually circle the globe to scale the wonderful peaks and fathom the bottomless cañons.

But over here, the altitudinous condition of the mountains is considered chiefly of value on account of the facility which it affords for mining operations.

But the scenic possibilities are not unworthy of mention.

Refer again to that circle whose diameter is thirty miles. Within that circle are at least thirty mountain peaks with an altitude of more than 12,000 feet and almost a dozen which tower as high or higher than Major Pike's famous discovery. Cañons so deep that they seem to seam the center of the universe and cliffs so high and precipitous that neither alpenstock nor rope would be of service in scaling. Nothing but a balloon would be effective. But there is no use in attempting to describe them. Printer's ink, tourist's camera, are very futile when you are attempting to deal with the majestic operations of God.

About 350 years ago a Spaniard by the name of Francisco Vasquez Coronado organized a little expedition whose object was to discover and possess the "Seven Cities of Cibello." Who knows but that the traditionary wealth of the San Juan mountains may have been the foundation for the legends on which the fame of the fabled cities rested? But the conquistadors who followed the doughty Knight of Spain were not seeking a chance to organize a miners' union. In the language of Fitz Mac "they were out for a straight swipe." And so when they came in sight of the snow-capped peaks of the San Juan, like the Levite of old, they passed by on the other side. Three centuries later these mountains were occupied by another class. "Celtic and Saxon and Dane are we" and the wealth the haughty Dons passed by has gone to enrich the coffers of America. Two hundred millions is the estimated production of the San Juan since the real beginning of its history, less than forty years ago. Ten times as much as Spain received for the Philippines. Almost enough to make even a Spanish Don unpack his grub wagon.

That eminent and voracious mining authority and literateur, Fitz Mac, after spending last summer in a careful study of the San Juan, which he had been well acquainted with for a quarter of a century, wrote as follows: "I think the San Juan country cannot possibly reach the zenith of its production inside of three hundred years, and I do not think it can become an exhausted country inside of one thousand years."

"And," as Polly Pry would say ,"there you are."

# CHAPTER XVI

## *Bad Roads to Travel in 1877 and 1878*

IN the waning "seventies" many difficulties had to be faced in the Uncompahgre country that were more than the average emigrant cared to face. Indeed, during high water time it would be difficult to exaggerate the number of wrecks that took place on the river.

As a rule, after learning the vagaries of the Uncompahgre, freighters took to flanking it like "General Grant in the wilderness," by leaving it at "the divides" and taking either the old Log Hill Mesa route or else the "Cutler cut-off" to Ouray. Both of these trails were built at the behest of stern necessity, the first being called "the high water route," and the second "the whisky route," the latter for the reason that freighters hauling liquor were not allowed to pass through the reservation with it, so they usually took the Cutler cut-off on account, also, of its being the smoothest grade.

The Log Hill Mesa route to Ouray, however, on account of its being the shortest, was the most popular route to the mines. The term trail would better describe it than the word road, for its grade, unlike "the Cutler cut-off," was as steep as the roof of a house. Its

In a half hour Ouray appeared at the agency accompanied by War Chief Shavano. They had come mounted on their swiftest ponies and had traveled so rapidly that the courier was left far in the rear.

There was a certain look of self-determination on the old chief's face which the whites at the agency knew meant business and no monkey shines, as everybody of that day knows.

Ouray had wonderful foresight and a clear idea of justice. He saw at a glance that his bucks were in the wrong for having destroyed the white man's garden, so he called the offenders around him and commanded them to repair the fence and apologize to the gardener for the loss of his sass. Not only this, but he commanded the main guy in the misdemeanor, Modesty, to give "the boss farmer" a pony as a part compensation for the damage he had wrought.

# CHAPTER XVIII—1879

## *The Meeker Massacre*

THE progress of civilization has presented itself in many phases to the average Indian, and each one of those phases has been illustrated to him through the purposes of war and the consequences of battle.

Step by step the Indians of North America have been driven further West, from one reservation to another, "always further West," until no room was left for them, not even a nook in "the Rockies." Nothing left to them now of the once broad prairies of the public domain, save a few remnants that are too small to cultivate to support their families. No longer is there "a frontier," and therefore no vantage ground for them to stand upon. Truly, they are as the leaves of the forest—scattered everywhere.

For the Indian freedom from savagery was but sophistry, simply the negro's case reversed, inasmuch as that while dame nature fed the Indian, it was his lord and master that fed the negro. Nevertheless, to step into the shoes of Pompey and Cæsar seemed to be the Indian's destiny if he would save himself from destruction.

summit was reached from the Uncompahgre on the north by gradual ascents, while the south side, fronting on Dallas Creek, was most precipitous, but being all "down grade" on that side, its steepness was of no significance, other than the possible danger of going too fast "down grade" with heavy loads. To obviate such contingencies freighters usually adopted the rough and ready device of hitching heavy log drags to their hind axletrees, letting them drag with their hind ends loose in the rear, after the manner of taking a cat by the tail, the spreading limbs acting like claws in clutching at all manner of temporary checks and thus delaying too rapid and perilous descents. In the course of two seasons' freighting down Log Hill there were enough saw logs left on Dallas Creek to have set up a good sized mill in business.

Among the wrecks on the river that spring (1878) involving rescues was the providential deliverance of the Bernstein family from drowning. Their outfit consisted, besides themselves, who rode in a buggy, of two teams loaded with liquors bound for Ouray. Of course the freight took the "Cut-off," but the buggy was allowed to pass up through the valley. It would have been better for them had they, also, taken the above road. Being friends of the Indian agent, Major Wheeler, they stayed over night at the "Post," and on the following morning, it being a Sunday, they rested.

In the afternoon, however, they intended to join the balance of their outfit where the roads converged. They had been advised at the agency to get an early afternoon start, but somehow or other they got a late start. In consequence of this the dangerous evening flood was getting rampant when they neared the fording place.

The sky was placid. The winds were hushed and the whole landscape bathed in the lambent light of heaven. When they drove up to the river's brink, Bernstein said: "We are just in time." They shouted to the horses and on they went until they reached the middle of the stream, and there they stopped. Bernstein shouted and used the whip liberally, but all to no purpose, they would not move. The water was up to their bellies and even rising into the bed of the buggy. Fortunately for the "outfit" the horses knew that they had gone far enough, for they stood on a small sandbar, where the water was not so deep as the balance of it. Providentially at this juncture they were discovered by Lieutenant Conline, who was just then coming that way homewards from a day's scouting trip. Conline was a man of quick decision. Accordingly a lariat rope with a stone tied at the end of it to insure a good throw was fired at the buggy across the dash board, diagonally, so that Bernstein could grasp the slack of it. When he hauled up the rock he was directed to hurl it among some stumps on the off shore, which he did. The cast being a good one, it caught a bight around a stump which the stone had encircled in its whirling swing. That end of the life line being thus established, the other end was then made fast to the nigh shore, whereupon Sergeant Johnson, a stalwart negro of the "9th Troop," undertook the rescuing stunt by going hand over hand along the life line, through the raging torrent, to the stranded buggy, from which he succeeded in rescuing the entire family, six of them, all told, including, besides the old folks, two daughters, a boy and a baby. Carrying them steadily, one at a time, astride his neck, he landed them all safely on the river's bank. Meanwhile, Bernstein had cut the horses loose from their traces, thus enabling them to rescue themselves.

The young daughters, belles of Ouray, never tired of telling about their rescue in the most graphic manner to the guests of the Dixon House at Ouray, and on more occasions than one shocked their mother's modesty by their plain, matter of fact style of delivery in portraying how they rode out of a dangerous flood to safety on a negro's brawny shoulders, astride his neck.

After the above rescue no more light traveling rigs attempted the dangerous second and third crossings between the agency and the mouth of Cow Creek, but instead thereof, they either took the "Cutler Cut-off" or else pursued the Log Hill Mesa route to Ouray.

One who has not been carried down a swift mountain stream can scarcely imagine how the water affects the head. You feel as though you were going at a terrific rate, although your horse may be simply holding his own by swimming at a fairly average stroke.

In the ramifications of our early day transportation problems no questions were more difficult of solution than those of floods in the months of May and June. The bridging of our various mountain streams has always been the most formidable item of expense recorded in our early county histories, and every bill of rights presented by our representatives in the different state legislatures was invariably a concession to that particular stream whose flood record indicated the greatest number of wrecks in overland travel.

"* * * whose compulsive
Knew no retiring ebb."

# CHAPTER XVII

## *Fort Crawford Becomes a Regimental Post*

IN 1879 Fort Crawford, previously consisting of tents that Conline established, was now increased to a regimental garrison by accessions from the 19th and 23rd Infantry regiments, besides two pieces of artillery forwarded from Fort Garland. Barracks finally took the place of tents, for this cantonment now numbered one thousand effective troopers.

The Utes were frequent visitors at the cantonment, but they did not take kindly to the building of military roads into the adjacent timber which the government demand for lumber necessitated.

More frequently than any other visitor at Fort Crawford was a somewhat refractory sub-chief known as Modesty. He had burned up some of Otto Mears' bridges on the new toll road, but no one having seen him to do it, he went "Scott free," but nevertheless, a watchful eye was kept on him thereafter. His true name in the Ute tongue was Tah-koo-ni-ca-vats, or rather "Cats" for short, his nom de plume of Modesty having been given him at the agency on account of his incorrigible habits of begging, much of which was pure kleptomania.

The summer of 1879 was characterized by an unusually dry spell in August, when grass became a short bite on the range. Some of the bucks in Modesty's band noticed that at the agency farm, two miles above Fort Crawford, there was a nice garden in which grew the finest cabbage, sweet corn and other family delicacies, and so informed Mr. Modesty, who at once became infatuated with the notion that his sheep might relish some of those succulent things, so the outfit sneaked around one night, cut the fence and drove in the flock to luxuriate on the foliage.

Modesty, despite his foxy disposition, was silly enough to imagine that while his compadres would not "peach" on him he would not be found out.

In the morning when the Merinoes were found defoliating the entire works there was great consternation. In driving the sheep off the premises no great amount of diligence was observed and a few of them were killed.

The Utes became furious and a free fight would have been the result had not Agent Wheeler hurried a courier to summon Chief Ouray, who was them temporarily stopping at Fort Crawford. Wheeler would have called on the military, but decided that Ouray would handle the culprit more satisfactorily than would they.

But he had yet to learn the true inwardness of "speed the plow," and that issue was not in keeping with his romantic ideas of forest freedom.

The negro was "contraband of war," the Indian of civilization, but here, again, the parallels diverge, for the negro was a slave and the Indian a landlord of the public domain, till he became a ward of the nation, therefore, from his standpoint, it was no part of his business to step into the negro's place and help speed the plow.

In fact, citizenship has ever appeared to the Indian in the guise of a curse. Civilization at the time of which we speak had touched the mountain tribes not at all and as for the plains Utes, known as the Denver Utes, it had simply scratched them only skin deep, for, in Denver, as we have seen, they learned only the white man's vices and none of his virtues. "Whom the gods would destroy they first made mad."

There are many Coloradoans who bitterly despise and condemn the Utes for waging war against their own agency, which under a most beneficent government was supposed to feed and clothe them; and yet, after all, is it actually strange that they should have done so when it is remembered that their rations were cut off as a penalty for their refusal to work, and when the slogan was "root hog, or die," as a final verdict enforced by military orders, who would blame them for breaking out into open rebellion?

Ever since the Uncompahgres assisted the White River Utes in their outbreak and took a hand in murdering Father Meeker and his employees at that "post," and from whence they carried three women and a baby into captivity and ambushed Major Thornburg's relief expedition and slew the commander and many soldiers, the tribe has been made to suffer. Even Chipeta, the heroic wife of the old chieftain, has been made to suffer with the rest. Today Chipeta is living among the poorest and most distressed of her tribe, unknown and unsung save in a little poem by Eugene Field at the time of her brave acts.

When Meeker was made Indian agent of the White River Utes it was the Uncompahgre clan that was the most powerful tribe of the Ute nation. The tribe owned all of the western slope clear to the Utah line, including the magnificent valley of the Grand and its tributaries. Their head chief, as has been previously mentioned, was Ouray. He spoke English and Spanish and he and his wife, Chipeta, lived in a well appointed cabin that contained all the comforts then known to the frontier. It was on the Uncompahgre River.

Two sub-chiefs, Douglas and Jack, were the cause of the outbreak that followed the ill advised efforts of the Indian agent to civilize the tribe too quickly.

Meeker's appointment as agent was a grievous error for the reason that he knew nothing of Indian character.

Father Meeker was a unique character. He was well known as a poet in ante-bellum days and joined the Ohio colony known as the Trumbull Phalanx, a branch of the Brook Farm colony, of which Hawthorne, Curtis and Greeley were members. Later Meeker served as war correspondent for the New York Tribune and after the war Horace Greeley sent him West, his letters being a feature of the Tribune. Meeker was much impressed with the beautiful country at the base of Pikes Peak and went back East enthusiastic over colonizing the place. Greeley said he would furnish backing and subscriptions were called for in the Tribune. Soon $100,000.00 was raised and Meeker came to Colorado to found the colony. Instead of locating near Pike's Peak, he chose a site on the Cache la Poudre River, further north, where the irrigable lands were more extensive. Here he founded a colony according to Greeley's advice, having "no fences nor rum," and this town of Greeley is the center of a highly developed agricultural community today. In time Mr. Meeker became involved financially owing to the great expense of projecting this colony, therefore it became necessary for him to recoup those

N. C. MEEKER

finances, consequently when the job of being a government Indian agent was tendered to him, he gladly accepted it.

He was determined to civilize and christianize the Utes at once. He insisted that they must abandon their tepees for houses and that they must live as white men. Soon the Utes were sullen and defiant. The greatest mistake was made, however, when the agent insisted on plowing the land adjoining the agency, including the race-track, in spite of the protests of the Indians, who said that as soon as land was plowed it ceased to be Indian land. Instead of waiting and reasoning the matter out with the Indians, Meeker went ahead with the plowing, even when the man at the plow had been fired upon two or three times from ambush. It became evident that trouble would soon result, but Meeker was the last to admit it. Even when a relief expedition was on the way from Fort Steele, Meeker sent a note to Major Thornburgh advising him that all was well. Meeker's note was sent on the day of the outbreak. The messenger was murdered, all the employees of the agency were killed and Major Thornburgh and his men were ambushed and slaughtered. Meeker's wife and daughter were carried into captivity, as was Mrs. Price, the wife of the agency blacksmith, and her baby.

## [*]THE HISTORIC BATTLE OF MILK CREEK

Thornburgh's command walked into a trap at Milk Creek. Thornburgh had two companies of cavalry and two of infantry and a wagon train. When the command reached Fortification camp, in what is now Moffat County, Company E of the Fourth Infantry, Lieutenant Price in command, was dropped, the design of this step being to afford protection to passing supply trains and to act as reserve in case there was demand for it.

[†]Having been directed to use all possible dispatch in reaching the agency, Major Thornburgh pushed forward as rapidly as possible. The roads were rough and mountainous and progress slow. Nothing was seen of Indians until Bear River was reached. Here ten Indians made their appearance and were closely questioned, but professed great friendliness for the Great Father and his soldiers. Nothing further was seen of Indians until Williams' Fork was reached, when the same ten Indians quite suddenly and very mysteriously appeared. They renewed their protestations of friendship while they carefully eyed the proportions of the command. They made a proposition to the commander that he take an escort of five soldiers and accompany

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[*] One hundred and forty men, and a wagon train of thirty-three wagons.

[†] From a write-up published in the Denver "Tribune" by F. J. V. Skiff and Thomas F. Dawson in 1879.

them to the agency. The scout, Joseph Rankin, was especially strong in opposition to the request of the Indians, and Major Thornburgh concluded to march his command within hailing distance of the agency, where he could then accept the proposition.

The command soon reached a point where the road crosses Milk Creek, about twenty-five miles north of the agency, when they were attacked by the hostiles, numbering between 250 and 300 warriors, who had been lying in ambush. But the command, under guidance of Scout Rankin, left the road just above where the Indians were in ambush, and thus avoided another event which would have been in all respects equal to the Custer massacre. The command took a trail after leaving the road and unexpectedly met the foe. Major Thornburgh at once threw his command into position and the Indians came up into line of battle. Major Thornburgh's orders were not to make the first fire on the Indians, but to await an attack. Scout Rankin, who was an old Indian fighter, saw the danger in which the command was placed and urged the commanding officer to open fire.

Major Thornburgh replied: "My God! I dare not; my orders are positive, and if I violate them and survive, a court martial and ignominious dismissal will follow. I feel as though myself and men were to be murdered."

By this time the Indians had flanked the soldiers and opened fire. The wagon train was corraled three-fourths of a mile to the rear of the command, and the Indians got between the wagon train and the command. Major Thornburgh mounted twenty men and at their head dashed forward with great valor and charged the savages between the command and the train. The commanding officer and thirteen men were killed in this charge.

The rest of the command succeeded in reaching the corraled train, which was by this time surrounded by Indians, and with much haste made breastworks of the wagons and held their position. In this engagement there were twelve killed and forty-two wounded. Every officer in the command was shot, with the exception of Lieutenant Cherry.

The scene of the attack was particularly fitted for the Indian method of warfare and was selected for that purpose. On each side of the cañon were rock bluffs from 100 to 200 feet high. These bluffs were held by the Indians, and some broken ground reaching nearly to the creek was also occupied by the savages, so that advance through the cañon was impossible, and by cutting off retreat the Indians could effectually "bottle up" the command in the cañon.

Captain Payne, although wounded, took command at once and set about having the wounded horses shot

RANKIN, THE SCOUT

for breastworks, dismantling the wagons of boxes, bedding, corn and flour sacks, which were quickly piled up for fortifications. During this time a galling fire was concentrated upon the command from all the surrounding bluffs which commanded the position. The groans of the dying and the agonizing cries of the wounded told what fearful havoc was being made among the determined and desperate command, although not an Indian could be seen. About sundown the savages charged the works, but were repulsed and retired to their positions on the bluffs, whence firing was resumed early the following morning.

During the early part of the first night of the siege the scout, Joseph Rankin, who now lives at Ogden, Utah, made his way out of the beleaguered camp and started to carry the bloody news over the 160 miles that stretched between him and Rawlins. Rankin's ride deserves to pass into history with that of Sheridan, immortalized by poem. It was a daring venture at best, and its danger was not the only feature which marked it as extraordinary. The way was rough as well as wild and lonely, and ordinarily the distance hardly would be covered in two days; yet Rankin rode it in twenty-eight hours, leaving the battle field at 10 o'clock Monday night and reaching Rawlins Wednesday morning about 2 o'clock.

Other couriers were sent out from the camp on succeeding evenings, through one of whom word was sent to Captain Dodge's command of colored soldiers, approaching from Middle Park, and near Steamboat Springs when found by the courier. Captain Dodge's command mustered only about forty men and was encumbered with a wagon train; but with almost unexampled bravery they determined to advance and succor the beleaguered garrison in the rifle pits at Milk Creek. At the crossing of the Bear River the wagon train was detached and sent north to Fortification Creek, while Captain Dodge and his intrepid "buffalo soldiers" galloped into the Indian country, not knowing whether one of them would ever return alive.

Luck went with them. They escaped the watchful eyes of the Indians and approached within hailing distance of the rifle pits without detection. An alarm was sounded in the trenches at their approach and the men sprang to arms to defend themselves, as they supposed, against a new attack by the Indians. Dodge halted his command and sent out his two guides, Gordon and Mellon, to communicate with Payne. They called out to the pickets that it was a company of cavalry come to the rescue, but the statement was regarded as a ruse of the Indians. Finally Gordon's voice was recognized by some one in the trenches and all doubts were dispelled.

Captain Dodge then headed his men for the final dash in order to reach the shelter of the trenches. The distance was 600 yards and the ride was made in a rain of rifle balls from the surrounding bluffs, the Indians having been made aware at the last moment of Dodge's approach. His luck did not desert him, however, and not a man was hit.*

Dodge reached Payne on the third day of the siege. His coming was the occasion of much joy, but he brought no actual relief. The siege continued and the Indians seemed only more alert and watchful. A hat raised on a stick in the trenches was sure to have a bullet hole in it in a moment. The spring from which water was obtained was some distance from the trenches and the men were forced to sally out occasionally for water, usually at night. They seldom escaped without being fired at and several were wounded. However, the stench of the dead animals became almost intolerable and they were compelled to work at night hauling off the dead horses or covering them where they lay.

In all these terrors it was their great confidence in General Merritt which inspired them with a strong determination to hold the fort at all hazards. The soldiers said that "Old Wesley" would come with a whirl, and so he did come. He marched continuously

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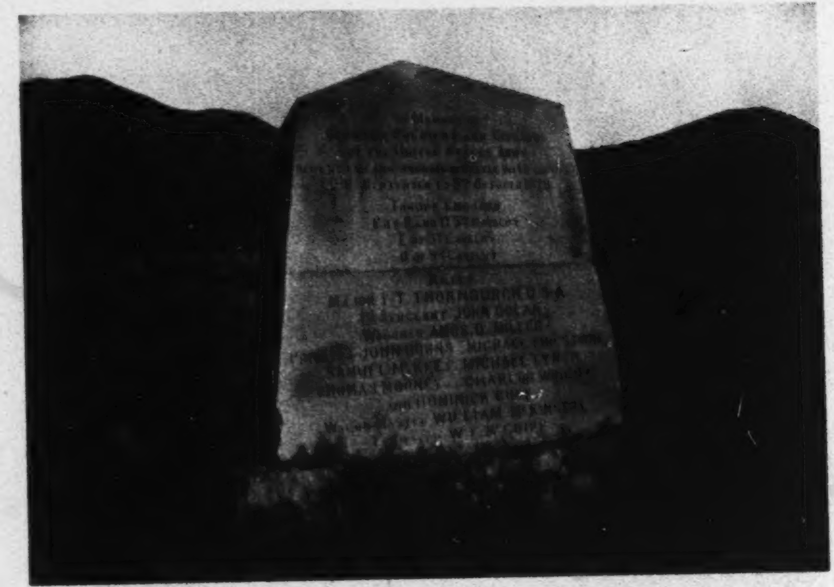
*Almost every trooper's horse, however, was either killed or wounded in this mad rush.

Saturday night, not halting for a single moment, making seventy miles in twenty-four hours. The command left Rawlins at 10:30 a. m. Thursday, October 2. They marched forty miles that day. The second day they marched fifty miles. The command arrived at the scene of action at 5:30 a. m. Sunday, October 5, after marching seventy miles the day previous. When Merritt's advance guard reached Payne's pickets they were commanded to halt, and General Merritt then ordered the guards to inform Captain Payne that it was the relief column that was approaching. He caused his trumpeter to sound the officer's call, which is the night signal of the Fifth Cavalry, and seldom, if ever, did signal fall more pleasantly on listening ears than it did upon those of the rescued garrison.

The following account of the arrival of Merritt and the situation of affairs he found awaiting him is from the pen of one of his staff:

"We arrived with General Merritt's command Sunday morning, after a march of seventy-five miles the day before, stopping to rest only half an hour. Oh, what a happy crowd Payne's command was when Merritt reached them in relief. They had been entrenched for six days. Wounded men were hobbling in every direction. One hundred and fifty dead horses lying thirty feet from the entrenchments presented a horrible



Monument to the Men Killed at the Historic Battle of Milk Creek spectacle. The middle of the entrenchment was used as a hospital. They had been fired on every day. The appearance of the Fifth Cavalry entering under General Merritt and Colonel Compton was a grand sight.

"The poor fellows in the entrenchment at first probably thought we were Indians. General Merritt caused the trumpeter to sound the officer's call, and at its end three big cheers rent the air. They were relieved at last. The sight was one of the most affecting I have ever seen and brave men shed tears."

General Merritt was moved to tears by the sight of so much suffering and the peril from which the garrison had been rescued. Captain Payne embraced his superior officer as a child would embrace its father. These brave soldiers, who were familiar with Indian character, knew that it was almost a miracle that every man of Thornburgh's command was not massacred.

The Indians soon disappeared from the scene after Merritt's arrival. Major Thornburgh's body was found by Lieutenant Hughes still lying on the battle field, stripped and mutilated by wounds and scalping. The remains were forwarded to Rawlins and thence to Omaha for interment. After a short stop to arrange matters on the battle field and to send the wounded under guard to Rawlins, Merritt continued his march to the agency.

## CHAPTER XIX

### *Arrival at the Agency*

HE found the body of Carl Goldstein, an agency employee, who had left Rawlins with supplies for the Utes, not far from the agency. A teamster who was with Goldstein had been killed. A little further on the troops found the body of Frank Dresser, another agency employee, in a small cave in a cañon. Dresser had been mortally wounded and crawled in the cave to die. His coat was folded under his head for a pillow. Two miles north of the agency, in a cañon, the body of E. W. Eskridge, Meeker's assistant, was found. On Eskridge's body was found the note to Thornburgh saying that all was well on the agency.

At the agency the dead body of Father Meeker was found frightfully mutilated. A volume of Poyp's Diary was found open on the table in his "study," showing that he had been reading when the attack was made.

W. H. Post and Eaton and Henry Dresser, all agency employees, and Mr. Price, the agency blacksmith, were all found shot to death.

MAJOR THOMAS TIPTON THORNBURGH
4th U. S. Infantry
Born at Newmarket, Tenn., December 26, 1843. Killed in Action with Hostile Ute Indians at Milk Creek, Colorado, September 29, 1879

The raiding of the agency was the work of Douglas, a sub-chief, previously mentioned, who with about twenty of the younger and more troublesome Indians descended on the agency while most of the warriors concentrated at Milk River to ambush Thornburgh.

Miss Meeker, relating her experiences after her rescue, said that she and her mother and Mrs. Price and the Price child all sought shelter in the milk house. After the Indians had killed all the agency employees they set fire to the milk house and the women had to run and were captured. They were put on horses and hurried into the mountains. The Indians had secured whisky and were drunk most of the time. Douglas several times put a loaded weapon to the foreheads of the women in the endeavor to frighten them, but they defied him. A young Indian named Persune had seized Miss Meeker and he and the chief nearly fought over her. The chief finally made her travel with his squaws. The white woman stayed with the squaws in the camp while the Indians were fighting Thornburgh and they were well treated by their red sisters.*

When Ouray heard of the outbreak of his people he was amazed and indignant. He sent word to Chiefs

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***Note—The women were moderately well treated, except Mrs. Price, who, being buxom and comely of features, and much better looking than the Meeker folks, became subsequently a slave to the passions of the Indians, who sold her to one another twenty-seven times. Her accounts of that captivity are on file in the archives of the Indian Department at Washington.**

Douglas and Jack to cease fighting. The word was brought by Ouray's wife, Chipeta, of whom Gene Field, then an editorial writer on the Denver Tribune, wrote:

> "But give her a page in history, too,
> Though she be rotting in humble shrouds,
> And write on the whitest of God's white clouds
> Chipeta's name in eternal blue."

In the meantime the Government had appointed a commission to treat with the Indians and bring back the kidnapped women. Pursuant to their instructions from the commission, General Charles Adams and Captain M. W. Cline, his escort, left the Uncompahgre agency on the 10th of October bound for the camp of the hostiles on Grand River Mesa. But it was not till the 25th of October that the camp which contained the kidnapped women was found.

*An old squaw silently led them to the tent in which the Meeker family were kept. Ouray's message had much to do with this work of rescue. Chipeta accompanied them on their long journey from the Indian camp to Ouray's home, where Miss Meeker wrote: "Chief Ouray and his noble wife did everything to make us comfortable. We were given the whole house,

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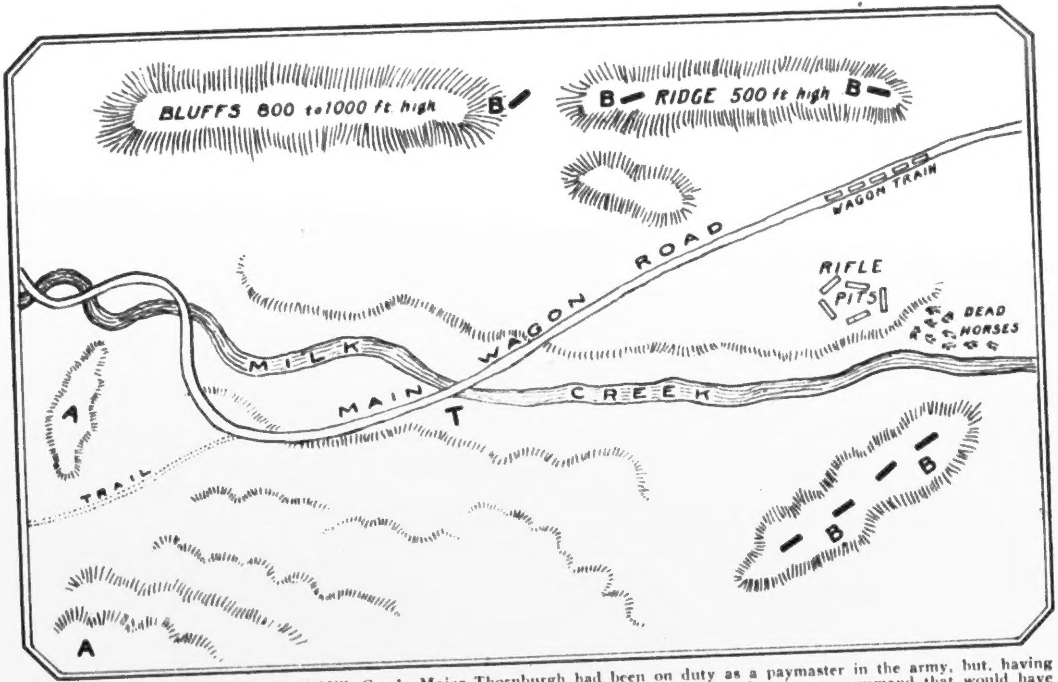
*The camp of this band was on Mesa Creek, in Plateau Valley, Mesa County, at a point which was afterwards known as the Frank Brink ranch.


BLUFFS 800 to 1000 ft. high
B
B
RIDGE 500 ft high
B
WAGON TRAIN
WAGON ROAD
RIFLE PITS
DEAD HORSES
MILK
MAIN
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CREEK
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TRAIL
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Prior to the historic battle of Milk Creek, Major Thornburgh had been on duty as a paymaster in the army, but, having become tired of the confinements of a desk, asked to be relieved from office work and to be given a command that would have active duty to perform. He was therefore transferred to the command of four companies of the Fourth Cavalry, and had no sooner taken command than he was ordered to the place where he met his death. * * * The one redeeming circumstance connected with the Meeker massacre, as with other massacres of our brave troops, is the desperate and heroic courage of our officers and our men the glory that they have added to our arms in those far-off mountains where they fought and fell.

and found carpets on the floor, lamps on the tables and a stove with a fire brightly burning. Mrs. Ouray shed tears over us."

Public feeling ran high in Colorado and if the advice of Coloradoans had been harkened to the entire Uncompahgre and White River tribes would have been killed in return for the death of Meeker and Thornburgh. But it was recognized that the whole affair might have been prevented had those on the scene been better acquainted with Indian nature and superstitions.

It was said at the time that the General was the only white man living who could go to them on a mission of that kind under the strained conditions that existed between themselves and the whites. He found the captives well and apparently unharmed, and they had been prisoners for nearly a month. The pine tree under which the captives were turned over to General Adams still stands on the bank of Mesa Creek, in Plateau Valley, as a sentinel to mark the place, and it is to be hoped that Mesa County will at some future date cause a suitable monument to be chisled from the granite hills of Grand Mesa to mark the historic spot, so that future generations may know where this sad story had its ending.

No direct reprisals were made, but today it is easy to see how harsh has been the tribe's punishment. Their superb lands have been taken from them and they are herded on a barren reservation where there is scarcity of water and where successful farming is impossible.

When they try to escape from their miserable surroundings they are called "marauders" and are herded back under military guard after suffering all the tortures that can come through insuffcient protection against the weather and insufficient food. As for Chipeta, the brave and womanly, she has not been given the page in history of which Field wrote, but is suffering, old and feeble with her broken and despairing tribe. If there are any Utes left who took part in the Meeker massacre it would appear that they have been made to pay the penalty many times over.

The final outcome of the massacre will now be related. The conclave with Generals Hatch and Adams at its head negotiated with the Utes to give up those concerned in the murdering. Owing to the destruction of the White River agency, this conference took place at the Central agency on the Uncompahgre.

General Hatch told Ouray that the attack on Thornburgh would be called a fair fight and no harm was intended to be done those who took part in it, but those who had murdered innocent, unarmed men at the agency should be given up for trial and punished if guilty.

The women had named twelve White Rives Utes whom they knew had taken part in the massacre. Ouray objected to taking the testimony of women against men. It was contrary to Indian custom. An attempt was made to get the Indians to corroborate the testimony of the women but no one could be found to testify under oath that he knew anything about it.

Ouray defended with ability his people, said those White River Utes have all directly or indirectly been engaged in the massacre and you cannot compel a man to testify against himself. Both General Hatch and Adams became tired at last, and ordered Chief Ouray to have the twelve men named by the women brought in for trial or he would move forward his army. He, General Hatch, had a military force in the southwestern part of the state. It was a stormy meeting all around and from its very nature was a close call to the deadline of a hand to hand conflict.

The details are thus given by the "Solid Muldoon," then published in Ouray:

"A death silence fell upon everything. Nothing was said and no one moved for a few minutes. Then Colorow lighted a long pipe and each Indian present drew his knife and laid it on his knee. In the councils of the Utes when the question of peace or war is hanging in the balance, this practice is followed during the discussion, and should war be decided upon the blades of the knives are locked together in the air and a war song sung. In this instance, just as the pipe had gotten around the semicircle of Indians, Colorow, who had filled and lighted the pipe and passed it to the next man without smoking himself, rose from his seat, glanced at the Utes, and drawing himself up to his full height jerked his belt around in front of him, drew from its sheath a knife and cast it on the floor in front, where it stuck and quivered. Each Indian present dropped his hand down to his waist and laid it upon his knife or revolver. Each white man did the same, and the two parties remained in this position, each urging the glittering gage of battle and each waiting an aggressive movement on the part of the other.

"Had Hatch not made the direct issue then and there, nothing would have been accomplished. But for an instant his boldness placed the commission in terrible danger. The result hung upon a thread and one word would have precipitated a terrible contest which would have ended in the death of every white man in the room. Twenty-five Indians to six whites were terrible odds and the fifteen soldiers in the next room could not have gotten into the room in time to rescue the endangered commission. Finally Ouray spoke: 'We cannot deliver up to you these Indians unless they are to be tried at Washington. They must not be tried in Colorado. The Colorado people are all our enemies, and to give our men up to be tried in this state would be as if we gave them up, knowing that they would be hung instantly.'

" 'We will bring these men here for you to see, and those whom you decide to be guilty shall be taken to Washington, and the President shall determine their guilt or innocence. Douglas will have to go. None of us deny that he was engaged in the White River troubles, and you shall decide who else is to go. Upon this condition and no others will we deliver these Indians.'

" 'How long will it take to bring these men here?' asked Hatch.

" 'About a week,' returned Ouray. 'They will have to take their own time.'

"Jack and Colorow were instantly sent off by Ouray to the camp of the hostiles, promising that they would have the twelve Indians in five days, and all the other Utes except Ouray left the room immediately.

"Then Ouray arose and spoke, again reiterating his statement that the Utes could not get justice in Colorado, and could only get it in Washington.

" 'You three,' pointing to Hatch, Adams and Valois, the legal adviser, 'are all my enemies. I am one against three. You hate me. You are residents of Colorado and New Mexico and a French devil (alluding to Valois), I have not one friend among you. You will not give me justice, and that is why I want to go to Washington where I will, at least, have one friend.*

It seemed surprising to people that Ouray, who had done so much for the recovery of the captives, and had ordered the war stopped on the part of the White River Utes, should now turn round and defend the murderers, for the guilt of a number of them he could entertain no doubt. It may be said that all he wanted was a fair trial for his people. He looked upon himself as their advocate, and like any engaged lawyer, wanted to have his clients come off whether guilty or not.

Colorow and Jack were exonerated for bringing on the fight with Thornburgh and freely confessed it when they learned that they would suffer nothing. So they undertook to bring in the twelve men whom the women swore had been engaged in the massacre. But they could get none to come in save Douglas, who was only indirectly engaged in it. At last ten of them were brought in. Some were sent to Washington, and nothing was done, at last, with the murderers except Douglas, who was confined at Fort Leavenworth for a time and then liberated, and died insane afterward, but the White River Utes were moved to Utah.

It is said that Ouray would have fought himself rather than consent to having all the Utes removed to the Indian Territory. The result would have been a

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*Carl Schurz, Secretary of the Interior.

CHIEF OURAY'S OLD HOMESTEAD ON THE UNCOMPAHGRE
Other Indians made Farms in Various Places, but Ouray's were the only Permanent Improvements

general Indian war, which would have cost millions of treasure and thousands of lives, for it would have been no small undertaking to subdue these mountain Indians in their native fastnesses. But of course such a war would have but one issue. Ammunition would soon have failed the Utes, and a great part would have been exterminated. On the whole one is compelled to admire Ouray in standing up for his people. He did about as a leading Highland chief of two hundred years ago would have done. Such a one, we know, would have been just as far from delivering up the robbers and murderers belonging to his tribes to the English for trial and execution as Ouray was. The English changed all that when it completely subdued the Highlander by taking away his rude autonomy and breaking up his tribal relations and making him amenable to English law. He ceased to be so interesting, but he also ceased to be a terror to his peaceable, orderly neighbors across the border.

The spring of 1881 was the wind up of the commission's labors, and of the ratification of the final treaty with the Utes by which they relinquished all of their lands in Colorado north of the 32nd parallel.

Only a small remnant of this once powerful tribe remained in Colorado.

Ignacio's band of Southern Utes occupy today in the southwestern corner of Colorado a "pan handle" of territory extending south into New Mexico, in which now lies the bulk of their reservation. Inasmuch as they took no part in the general uprising, their rights were respected.

At present the "Southern Utes" are a self-supporting people. Flour, oats, corn, chickens and eggs can be bought of them fully as cheap as these articles can be bought in Central Illinois. Of course, the agents they have had of late years went to work and drove the fashionable nonsense out of them about labor being disgraceful.

## CHAPTER XX

## THIRD TREATY WITH THE UTES

### *Demanded by the People of Colorado as an Atonement for the Meeker Massacre*

AFTER the Meeker massacre a new Indian policy was decided upon, i. e., to compel the Indians to exchange their reservation for lands in severalty, and to locate themselves adjacent to lands at the mouth of the Uncompahgre; provided, however, that nothing, meanwhile, of an untoward nature might interfere to disparage this advantageous plan. Otherwise, then (indpendently of the Indian Territory), the commission must choose a site equally desirable. The chairman of this commission favored the mouth of the Uncompahgre and the adjacent Grand valley as an ideal region in which to locate the Indians. It was just such a place as Horace Greeley might have chosen for a farmers' grange, could his shade have revisited the West, seeing that it was plentifully alluvial. Likewise the new agency was to have been built on an island, which island constitutes the "delta," the derivation of the chief seat of trade for Delta county, formed by the wash of the Uncompahgre where it joins the Gunnison. Here it was that Messrs. Manypenny, the chairman, and Mr. Meacham, his colleague, (Quakers) foreordained the new agency to be located. Incidentally, both being good mathematicians, they set about taking an observation of the sun to determine the exact latitude and longitude of the aforesaid "delta," which proved to be in latitude 38 degrees, 44 minutes, 6 seconds north, and 108 degrees, 4 minutes longitude, west of Greenwich.

In ancient heathen mythology, the Goddess of Boundaries was represented as a deity without feet or hands, but possessed of wings. This symbolized the idea that this deity, after having once established a base, could not be removed therefrom, but remained there forever.

So sang Messrs. Manypenny and Meacham with a noble inspiration, but as the sequel will show, they had reckoned without their host in trying to domesticate the Utes, where now live the most smug and stately of the earth.

Ouray had intelligence enough to see that it was going to be "a Hobson's choice" for the Utes, and influence enough to persuade them to make the best bargain they could. The Indian commission appointed by the President consisted of a chairman, which was Mr. Manypenny of Ohio, also Mr. Meacham of Washington, D. C., Mr. Russell of Iowa, Mr. Bowman of

Kentucky and Mr. Mears of Colorado, in the order named.

In any event, wheresoever the Utes were to be located, it was contended that the project of lands in severalty would not only improve the condition of the Indian as a man, but would give him a fair chance at civilization, while at the same time it would relieve our Government from the constant distress of attempting to sustain an impossible policy which consisted in making promises of seclusion to the Indians which no human power could enforce against the steady advancement of settlements and the imperious demands of civilization.

Crush humanity out of shape, and it will twist itself into the same tortured forms, sow the same seeds of demoralized ambitions and massacre, over again. In every case it will surely yield again the same fruit according to its kind. History, in this respect, repeats the words of the Bible in everything that is wrong and injurious and rascally in all of the aboriginal tribes of this country.

When the Department negotiated the treaty of 1880 it was recognized by its commissioners that there were 3,000 heads of families to be dealt with; but there was an additional 1,000 souls of the age of sixteen years who were entitled to half of a quarter section of land apiece, making in all 4,000 Indians that were entitled to allotments. Certain conditions under the above treaty were imposed upon the Utes, and if they had not signed those conditions they would have received nothing for their 11,000,000 acres and would have been driven out by the people of Colorado who wanted them to become wanderers, paupers and vagabonds.

The position of Colorado's representatives in Congress on this Indian question was one of extreme delicacy, recognizing as they did the imminence of further bloodshed and savage warfare if the Utes were not speedily removed out of the state. However, the proposition which the Secretary of the Interior, Carl Schurz, submitted to Congress was that the Indians should not be deprived of their holdings entirely, in Colorado, but that in deference to their desire to embrace civilization, and out of respect for the Southern Utes, who remained loyal to the Government, the confederated tribes of Utes, as a nation, should not be dispossessed of their holdings and compelled to leave Colorado without first bringing it to a vote of three-fourths of the tribe—this was in accordance with the treaty of 1868. They were willing to accept lands in severalty, provided they be allowed to go *upon a restricted reservation in Colorado*, as outlined on the first page of this chapter.

Destiny had decreed that there should be no compromise, however.

Could it be possible, thought the Secretary, that the people of Colorado would be so heartless as to demand that an entire tribe of Indians should suffer for the sins of the few; that they should thus be banished from the homes of their fathers, endeared to them by memories from childhood! Nevertheless, this was indeed the fate that awaited them, harsh as it might appear.

### *Prestige Claimed for the Indians*

If they were to have homes at all, declared Messrs. Manypenny and Meacham, they should go upon lands in Colorado, and mingle with the whites in a domain where time would develop business centers, to the end that this blending with the Caucasian race would eventually teach these Indians the vital lessons of civilization; that the ultimatum which the Government sought to dictate to them, by insisting they should accept of lands in severalty should not be enforced without the understanding that the Government would preserve them in their rights adjacent to Delta and Grand Junction. It was further contended by him that under the terms of previous treaties they could not be dispossessed of their ancient abode without its being so understood by at least three-fourths of the tribe.

On the other hand, the citizens of Colorado would not stand for this, maintaining that the Utes, by their one act of treachery at White River, had nullified those treaties and had thereby forfeited their rights, and for that reason should be exiled.

However, when the debates came up in Congress, the attitude of the administration and the Secretary of the Interior in behalf of the Indians was endorsed, *and the will of the people set at naught—"Ita lex Scripta est."* That is to say, that the Utes had not outlived previous treaties and could not be removed without the consent of three-fourths of the tribe. With this understanding, the Secretary of the Interior was authorized to make an agreement with them.

That fall eleven Indians were ordered to Washington, with General Adams and Mr. Mears in charge, to have a talk with the "great father." After arriving in Washington, Carl Schurz asked General Adams and Mr. Mears if they thought they could go back and bring out the perpetrators of the outrages to Washington.

They were Chief Douglas and ten other Indians whom the women had named as *murderers* at the agency. The Secretary was given an affirmative reply to his proposal. General Adams and Mr. Mears returned West, and after a deal of talk and promises, were enabled to get the Indians to go to Washington.

In January, 1880, therefore, the delegation went there and returned in the month of March of that same year.

On the way there Chief Douglas was made a prisoner at Kansas City and taken to Fort Leavenworth by General Adams. Mr. Mears then proceeded on to Washington with the rest of the Indians. After talking with the President and Secretary of the Interior there was an agreement formulated with the Indians that they all be removed to one reservation to be located by a commission, at or adjacent to Grand Junction.

The personnel of the commission being now confirmed by the Senate, they at once started to do business. Proceeding to the Uncompahgre valley, they first had a pow-wow with the chiefs to get the tribe together and, if possible, secure an agreement at as early a date as possible. The time limit in which to perform this duty would expire on October 15th of that year.

This was the keynote to the whole proposition, but after holding a council, the Indians refused to sign the agreement, giving as their reason for not doing so that they did not know, for certain, where they were to be taken. They did not at once grasp the idea as to what was meant by being located "at" or "adjacent" to Grand Junction, being suspicious that it meant somewhere else; yet it was necessary to get the signature of a majority of the Indians before the commission could locate the reservation.

Each head of a family, as already indicated, was to receive 160 acres and a promise from the Government to pay them the interest on $1,800,000 (which amount was the price our Government had to pay for the Western Slope). To the widows created by the Meeker massacre, pensions were to be paid, which sums were to be duly assessed against the Utes' annuity fund.

At first the commission was somewhat divided among themselves as to where they should ultimately reservate the Utes, a task whose pathway was by no means strewn with roses, for many stormy debates as between Messrs. Manypenny and Meacham and the three remaining commissioners, were rehearsed before they determined upon what "*adjacent*" really meant; the Quakers maintaining that the designation was specific and meant the country around Delta and Grand Junction, while the others claimed that "*adjacent*" meant either at Grand Junction or elsewhere. Subsequent developments, however, settled this mooted question beyond the shadow of a doubt. *Mr. Meacham

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***A. B. Meacham was a member of the commission that presided over the Modocs in California, and was wounded at the time that General Canby met his death.**

was usually the principal debater and was invariably aggressive, always deriding what the others stood for, and perpetually acrimonious and uncompromising, and by a parity of reasoning incessantly endeavoring to "*Meachamize*" the rest into his way of thinking. On one of these occasions the controversy became narrowed down to a clash of words as between himself and Mr. Bowman. The latter being a Kentuckian and possessed of the average Kentuckian's natural aversion to all Indians, took exceptions to being "Meachamized" by Mr. Meacham, and very deliberately knocked him down. This act of Mr. Bowman's called for his resignation, which he eventually tendered, and by so doing he necessarily placed the board at a deadlock, in token of which the commission adjourned, *sine die*.

Meanwhile the Indians, characteristically perverse, steadfastly refused to sign any agreements unless they went to Washington to do it, and viewed with sullen indignation and distrust the attitude of the people of Colorado towards them.

Summer was now passing into autumn; an autumn of epoch-making in the history of Colorado.

### *A Coincidence.*

On the 29th of September, 1880, occurred the killing of a son of War Chief Shavano by a freighter named A. D. Jackson. This day, September 29th, was the anniversary of the White River outbreak of the previous year, 1879.

The trouble grew out of an encounter between Uncompahgre Utes and a freighting party commanded by a man named Jackson. In a skirmish with drunken Indians, A. D. Jackson fired on one of them whose name was Johnson (a son of Chief Shavano), and wounded him. The Indians then rode off and were gone over night. The freighters did not suppose the Indian was seriously hurt, but he died that night. About 4 o'clock the next day one of the chiefs, accompanied by two whites named Hoyt and Holmes, stopped the wagon train (which was en route to the mines), saying an Indian had been killed and they wanted his murderer. In the meantime about thirty other Indians came, surrounding the train, covering all of the drivers and the owner of the train (J. H. Jackson, uncle of A. D. Jackson), with their guns. Agent Berry, Mr. Meacham and Captain Kelley arrived with fifteen soldiers and arrested the freighters and marched them to camp, where they were guarded through the night by two soldiers and ten Indians. The soldiers had to keep pushing back the Indians all night to keep them from taking the prisoners by force.

Next morning, the 30th of September, the freighters were marched to Cline's ranch, where they were disarmed by the soldiers, who even took their pocket knives from them, after which they were dismissed, the agent and officers stating that they were not in their jurisdiction. Then these men were left defenseless in an Indian country, denied protection by the Government officers, who had ample force at their command, and who knew the white men were acting wholly in self-defense. Colonel Beaumont showed his humanity by sending a sufficient force of his men to guard the men and train to a point beyond danger on the Saguache road.

Before departing the freighters unloaded their supplies (groceries), but had to leave them out of doors at Cline's ranch, as Cline refused them storage. Colonel Beaumont, in doing his duty to his helpless fellow men, ran the risk of censure from his superior officers, but he would not desert his fellow men—who had a right to the protection of the Government.

Then Agent Berry told Mr. Jackson to obey Captain Cline's instructions, and they would be unharmed.

Cline tried to induce them to go on to their destination at the end of the track of the D. & R. G. railroad, which would have resulted in the death of the men and the destruction of the train.

A. D. Jackson, the young man (who shot the Indian), gave himself up to Messrs. Cline, Hoyt, Holmes and an Indian, to be taken to Gunnison to be properly tried.

These men took this young man, without a guard, in an Indian country, where there were 300 soldiers near, and started, apparently, for Gunnison. They went about three miles when, according to report, the Indians overpowered the guard and took the prisoner from them; apparently this was a premeditated plan to deliver the prisoner to the Indians. Dave Day, proprietor of "The Solid Muldoon" at Ouray, and a mining superintendent, who were passengers on Barlow & Sanderson's stage coach, corroborated the report that the Indians had taken young Jackson from the guard and proposed to kill him (probably torture him to death). However, he was not tortured but was taken to the edge of a bluff and, after having been shot to death, his body was tumbled into a gulch, which was afterwards recovered by his friends.* Captain Cline was severely criticised by his neighbors for the conduct he displayed on this occasion, but the agent of the Utes, Wm. H. Berry, was the man in authority and it would appear to have been *his duty*, after having informed Jackson that he might consider himself under arrest, to have acted on the suggestion that was given him by an officer to properly safeguard his prisoner on the route to Gunnison. It has been said in justification of Berry's action, however, that, under the circumstances, he evidently did what he considered just and equitable according to his lights, as being an official placed there to protect Indians and not whites. Such justification, however, would seem hypocritical; another man in his position might have done differently.

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*Discovered three weeks later by J. F. Howard, the agency farmer. His death was caused by a single gunshot in the side.

About six weeks prior to this episode, Chief Ouray, while on a mission of peace and good will to the Southern Utes, departed this life. His death at the Southern Ute Agency was due to Bright's disease, which was unduly hastened by the mal-practice of his medicine men. It was a most deplorable circumstance in having occurred at this unfortunate time, and signally portentious of evils to come. * * * Prayers had gone up that the old chief's life might have been spared, for, upon his influence in controlling and directing the different factions of the Ute tribe there lay a power of behoovance, for with it, the commission banked on reaching a safe issue out of all their difficulties. Autumn, too, was now at hand, and the time limit within which the Utes were supposed to sign the treaty was nearing its close. At last, however, Mr. Mears got busy and worked with all his might to induce the Indians to sign, and finally got them to do so by privately paying them $2.00 each.

Chairman Manypenny, on hearing about it, refused to endorse this "*agreement*" and claimed that

Mr. Mears bribed the Indians by paying them $2.00 apiece, and preferred charges against him to the Secretary of the Interior, Carl Schurz.

That fall (1880) Mr. Garfield was elected President, and after his inauguration on the 4th of March, 1881, Governor Kirkwood of Iowa became Secretary of the Interior. Mr. Mears was then ordered to Washington for trial before Secretary Kirkwood on the charge preferred by Mr. Manypenny of bribing the Indians to sign the treaty.

In the presence of Senators Teller and N. P. Hill, in the Secretary's office, Mr. Kirkwood asked Mr. Mears if it were true that he paid the Indians for signing the treaty.

Mr. Mears replied that he paid them $2.00 each, as the Indians claimed that $2.00 in cash was worth more to them than the interest on $1,800,000,* which they were to receive in promises. Mr. Kirkwood then asked whether this money was paid by Mr. Mears or the Government.

Mr. Mears replied that it was his own money,† and the Secretary told him to make a bill for it and he would see that it was paid. He also told Mr. Mears that he was perfectly right in doing as he did. Secretary Kirkwood was familiar with the Indian and his methods.

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*The Ute nation, through a duly accredited lawyer, subsequently brought suit against the United States for payment of the above principal.

†$2,800.

The Secretary next asked Mr. Mears if he thought he would be able to remove the Indians. Mr. Mears answered if given enough troops, and Mr. Manypenny was left in Ohio and Mr. Meacham in Washington, he thought he would be able to do so.

Secretary Kirkwood said that the Government had plenty of troops and would furnish all that were needed.

# CHAPTER XXI

## *Congress Ratifies the Treaty and General MacKenzie Removes the Utes*

PENDING this agreement's ratification by Congress the summer of 1881 was almost at an end. However, after having been reported upon by the proper committees in Congress, it passed both houses promptly, and was as promptly signed by the President.

The bill, as signed, was divided into two sections, the first section providing for the removal of the Utes to an "*adjacent reservation*" and expenses thereof, which was referred to the committee on appropriations of the Indian service; also to reimburse certain Indians for agricultural improvements they had made on the Uncompahgre (which included $700.00 for Chipeta, Ouray's widow), while the second section, providing for the purchase of the Uncompahgre reservation, was referred to the Committee on Public Lands; the President withholding proclamation for the opening of the same to settlement until the Indians could be all removed, which removal awaited final action by the commission. In the meantime, Secretary Kirkwood appointed Judge McMorris of Colorado Springs to fill the vacancy on the board occasioned by the resignation of John B. Bowman, and Mr. Mears having returned to the Uncompahgre, the commission at once entered upon its work of exploration for a new reservation.

The multitudinous details involved in this project required initiative and business tact of the highest order. Accordingly, it was recognized that Mr. Mears, being the youngest member of the commission, and also best adapted for getting over the country on horseback, was given the management of it. He was accompanied by Judge McMorris, and later by Mr. Russell, who joined them en route. With an escort of one hundred cavalrymen they proceeded down the Uncompahgre on their tour of inspection, which extended on past where now is Grand Junction.

Mr. Mears and Judge McMorris being Colorado men and, with Mr. Russell coinciding, they made up their minds that the Indians had to go.

They at once saw that, for the benefit of the state, it would be better to keep the Indians somewhere else, and out of Colorado, as the land on the Uncompahgre and at Grand Junction would become very valuable if settled by the whites. From Grand Junction, accordingly, they went north and west and finally got to Green River, where the mouths of the DuShane and White Rivers enter, and concluded there would be a good place to locate the Indians outside of Colorado.

This "*agreement*" stated that the Indians should be located at Grand Junction, or in **adjacent territory.*

Returning to the Cavalry Cantonment, in Uncompahgre Valley, where the soldiers were, General MacKenzie, who was in command, was informed by Mr. Mears of the place that had been selected to take the Indians to. He also told the Indians that they would have to go.

Meanwhile, Mr. Manypenny and Mr. Meacham were working in Washington and claimed that the treaty absolutely stipulated Grand Junction, in Colorado.

Mr. Mears claimed that the treaty meant Grand Junction or *adjacent* territory, and the Secretary of the Interior, Mr. Kirkwood, decided that Mr. Mears was correct; therefore in Utah was to be their reservation.

The auspicious time having now arrived in which to carry out the stipulations, as *per agreement*, the Commissioners, in conjunction with Mr. Berry (Indian Agent), entered upon the necessary preparations incidental thereto. These preparations would necessarily consume many months of time. First would come the Government surveys of the new reservation, such as boundary lines, sub-divisions and cross sectionizing;

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*As Utah was then a territory, it was self-evident that it was adjacent, consequently in an equivocal sense the commissioners obeyed *the letter* of the law.

POST OFFICE

Four Ute Chiefs, Agent and Interpreter

bridging streams, disposal at public auction of the old agency, proposals for construction of new agency, corrals, and so forth, and moving the agency beef cattle and other livestock overland.

Mears proceeded at once to Denver and from there to Salt Lake, so that he would arrive at the place selected for an agency before the Indians could get there overland, and also have the necessary provisions and temporary accommodations ready for the use of the agent, William H. Berry, as soon as he should arrive. Berry, who had just got to Salt Lake, remained there for some days in order to receive some movable property, due there from the old Los Pinos Agency, that had not been disposed of at public auction. The distance from Salt Lake via Park City and Strawberry Valley to Green River, at Mears' final destination, was 210 miles. For a distance of 150 miles as between Heber City and Green River, Mears found no settlements. He immediately contracted for buildings and mill work, the specifications for which, on Berry's arrival, were turned over to him, after which Mears returned to the cantonment on the Uncompahgre to see what fortune had attended the efforts of General MacKenzie in removing the Utes.

In very truth, they did not take to the prospect of being exiled from the valleys of their forefathers, either pleasantly or seriously, for they made all kinds of excuses against it, professing injured pride because they could not remain where their forefathers were buried, and contumaciously pleaded for more time in which to gather up their stock. General MacKenzie, however, had given them ten days in which to do all of that, and this *last named* was an extension of previously granted *over time*, now expired; therefore they had gotten all that was coming to them and, inasmuch as they had previously made but *a sham of collecting* their stock, their further demands were inadmissable. They were anxious, they said, to go on a hunt to kill enough game for their winter use, but MacKenzie would listen to none of it.

Their philandering was at an end, and, now, that it was his turn to speak, MacKenzie harangued them with his defiance. This last decision was, of course, final, inasmuch as it was nothing less than an ultimatum, essentially as emphatic as if it were a public document, for it possessed some *verbal* characteristics that no public document ever laid claims to, in that its formula was highly spiced and profusely italicized with expletives.

They wanted vacation for a junket to Cow Creek and the Cimarron, and they were going to have it, but they reckoned not wisely or well, for there was no chance for them to flank MacKenzie, whose camps, both far and near, had been strongly reinforced *at all strategic points.*

His immediate headquarters were at a bend of the river, just east of where the town of Olathe now stands. Here Colorow's band was camped, which was between two bluffs that form the rim of the valley which at that time was heavily wooded.

On these bluffs officers were stationed at observation points to observe what the Indians were doing in their front.

MacKenzie had nine companies of cavalry and nine of infantry within a radius of five miles from the hub of his headquarters. His code of signals, too, was as perfect as human ingenuity could devise.

In rear of MacKenzie's camps, about a mile away, were those of the thronging settlers, waiting behind to get the final word when the reservation would be thrown open to location.

"No pent up Utica" was so fraught with "stern alarms" as were those long autumn days in 1881, when ever watchful and competent officers kept tab on the Ute's camps for signs of suspicious activity. Their system of signaling recorded every motion that looked significant on the part of the Utes; not a straw in its vagaries of flight through the atmosphere or a cloud of dust hovering over the Indians' camps but under-went a scrutiny through some officer's field glass. Morning, noon and night of watchings rounded out a never-to-be-forgotten week of vigils, till at last their perseverance was rewarded at sight of an unusual cloud of dust with loud barkings of dogs for an accompaniment. Be it here recorded, that some interloper had, meanwhile, the hardihood to smuggle a lot of whiskey to the Indians.

Another cloud of dust and then another, and ever the persistent barkings, echoed and re-echoed—all characteristic of but one cause—"fighting whiskey." There was trouble brewing, but MacKenzie was ready for it when the psychological moment arrived. Then dazzling rockets for signals went up, and bugle calls, loud and strident, marked time from bluff to bluff on both sides of the river, hurrying waiting bodies of cavalry to the execution of "battalion fronts" straight across the valley. Prompt was the call, and prompt the execution, as four companies now wheeled into position, all ready for action.

Splendid tactics characterized these preparations for a fight, illustrating our cavalry service, whose movements have sometimes been compared to the revolutions of a plant of smooth-running machinery. Not a ripple of excitement was there to mar the perfect line of front that now faced the enemy, who presently came into view around a bend of the river, yelling like so many demons let loose, and riding cowboy fashion, all in a bunch. Evidently the sight that now met their gaze was their first intimation of the military reception that was awaiting them. Its effect was instantaneous, for they at once slackened their mad ride and came to a halt to engage in a parley among themsleves. Then in no longer time than it takes to tell it, they sized up the situation and decided that they wanted no more of "war's grim-visaged front" in theirs, so they quickly turned "about face" and beat a hasty and ignominious retreat back to camp.

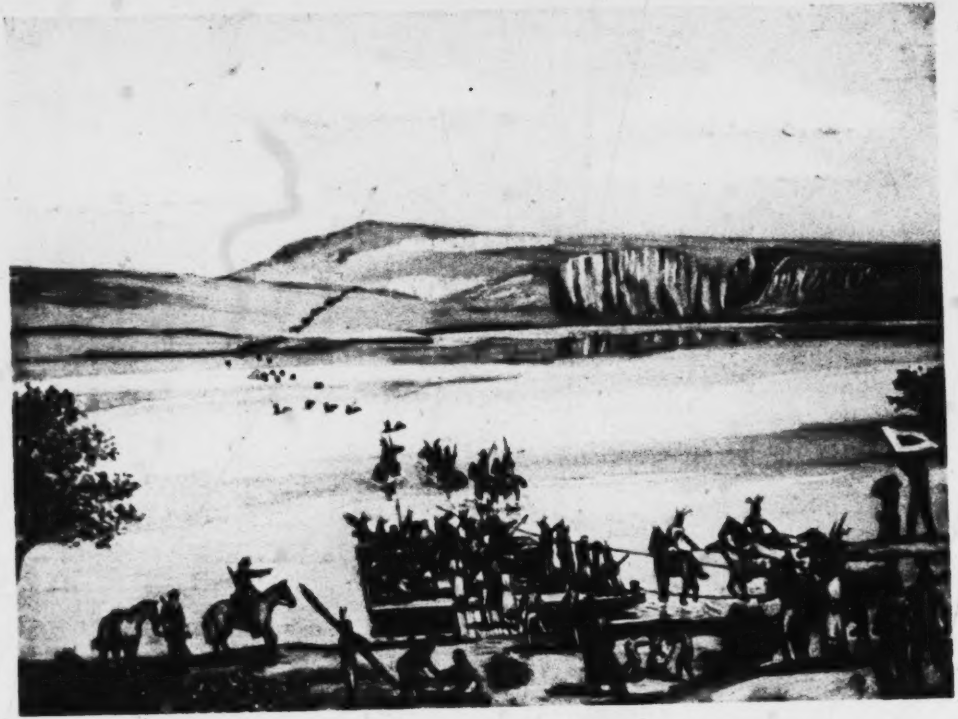
That night at 2 o'clock, General MacKenzie sent for Mr. Mears and Judge McMorris, who were the only commissioners present at the time, and told them if they would sign the order to remove the Indians he would do so with his troops. Receiving the signatures of the commissioners to the order, General MacKenzie proceeded at once to surround the Indians, and gave them two hours' notice to move, further emphasizing the order with six pieces of field artillery that went into position on the brow of a hill overlooking the camp of the hostiles.

The Indians still claimed that they were to stay in Colorado, and did not want to go, but General MacKenzie would only give them the two hours to think about it, and they finally packed up and left.

Rations for three weeks had been issued to them at the Uncompahgre agency, to enable them to subsist on their long journey overland to Green River and the DuShane.

September 1st, 1881, was the date, when the last band (Colorow's) left Colorado, and September 13th that of their arrival at their destination. This was called the Ouray agency, in honor of their late chief. Shortly afterwards, Mr. Mears again visited Green River to inspect supplies and also to pay over to Chipeta (Ouray's widow) that $700 which the Government had provided for her in the treaty. This was all in one-dollar bills. He had no sooner done this than "Cojoe," a chief, who was standing near, tried to murder him, claiming that it was through him they were removed.

Other than this their extended journey was unattended with any mishaps, General MacKenzie rendering them every assistance desired. He caused large boats to be placed at the crossings of both Grand and Green Rivers, with orders that they be safely put across, together with all their property and riding stock. MacKenzie's boats remained for many years thereafter and did good duty as ferry boats for western emigrants.



The Final Exodus of the Utes from Colorado
(Crossing Grand River)

The Ute commission that was appointed in 1879 and '80 continued its friendly supervision over the welfare of the Utes at the new agency till a year and a half later, in which year, March 13th, 1883, it was abolished.

# CHAPTER XXII

## *Ouray's Last Trip to Washington*

IN the year 1881 Ouray paid his last visit to Washington. He took his wife, Chipeta, with him. She was in those days a remarkably handsome woman. Ouray was very much devoted to her. They remained a month in Washington and had frequent interviews with the President and with the Secretary of the Interior, Carl Schurz. Of the impressions which Mr. Schurz received of Ouray I will here quote from his "Private Memoirs:"

"Ouray and Chipeta often visited me at my home and they always conducted themselves with perfect propriety. They observed the various belongings of the drawing room with keen but decorous interest, and were especially attracted by a large crystal chandelier which was suspended from the ceiling. They wished to know where such a chandelier could be bought, and what it would cost; it would be such an ornament to their home.

"In official conversation his talk was quite different from that of the ordinary Indian chief. He spoke like a man of a high order of intelligence and of larger views who had risen above the prejudices and aversions of his race, and expressed his thoughts in language clear and precise, entirely unburdened by the figures of speech and superfluities commonly current in Indian talk.

"He had evidently pondered much over the condition and future of the Indians of North America and expressed his mature conclusions with the simple eloquence of a statesman.

"He comprehended perfectly the utter hopelessness of the struggle of the Indians against the progress of civilization. He saw clearly that nothing was left to them but to accommodate themselves to civilized ways or perish. He admitted that it was very hard to make his people understand this; that so long as they did not fully appreciate it, they should, as much as possible, be kept out of harm's way; that it was the duty of influential chiefs to co-operate with the Government to make the transition as little dangerous and painful as possible; that he, therefore, recognized the necessity of removing the Utes from Colorado, hard as the parting from their old haunts might be, and that he depended on me to bring about that removal under conditions favorable to his people.

"Ouray was by far the brightest Indian I have ever met.

"After the conclusion of our negotiations which resulted in the restoration of peace, and in the eventual removal of the Utes to a reservation in Utah, Ouray returned to his Western home. Soon after he fell ill and died. Then something of a very touching nature happened.

"Some time after Ouray's death I received from a government agent on the Ute reservation a letter which Ouray's widow, Chipeta, had dictated to him. In it she told me that I had been her departed husband's best friend. He had said so. I had also done much to save his people from grave disaster, and was therefore their best friend. She wished to give a memory of her husband as a present the things he valued most. Would I accept the present?

"I thereupon wrote the agent asking him to inform himself whether my accepting a present would have a good effect with the Utes, and also whether my acceptance were thought advisable, whether it would be the proper thing on my part to send a present in return, and if so, what should it be.

"A few weeks afterward I received a box containing the clothes Ouray had worn while negotiating the treaty with me in Washington, and in addition, his tobacco pouch and an old powder horn which he used in his younger days.

"This was Chipeta's present. It was accompanied by a letter from the agent, giving me from Chipeta this message: If I accepted the present, to keep it while

I lived and for my children it would be regarded by Chipeta and her people as a proof of true friendship on my part, and they would esteem that friendship very highly. But if I made a present in return it would be understood by them as signifying that I did not value their friendship much and simply wished to get rid of an obligation and be quits with them, and this would make them sad. Chipeta, therefore, hoped I would accept the present and let our friendship stand.

"It will be admitted that greater delicacy is seldom met with, even in the most refined society. It must be added, however, that this was an exceptional case. Ordinarily an Indian when he makes a present to a white man expects one in return and his equinamity is by no means disturbed when that which he received is much more valuable than that which he has given. Nor does he differ very much in this from a majority of the civilized race.

"What I wish to show is that the noble savage with chivalrous impulses and fine sentiments, as he occasionally appears in romance, should not be regraded as a mere figment of the imagination. He has existed, and no doubt he exists even now. It should, indeed, be remembered that the same superior Indians are at the same time in many respects not above the barbarous habits and the ways of thinking of their tribes."

### CHIEF OURAY'S YOUTH AND EARLY MANHOOD

Ouray was born at Taos, New Mexico, in the year 1833. He was, therefore, forty-eight years of age at the time of his death, which occurred in 1881. In youth he became a herder of sheep among the better and more advanced class of Mexican sheep men and became familiar with their ways and learned to speak the Spanish language fluently. He also learned from the Catholic priests of Santa Fe something about the Christian religion and thereby gained some of that refinement which characterized his after years. When eighteen years of age he joined a band of Utes under the leadership of his father, located in Southwestern Colorado, and became a full fledged Indian. He finished his education by visiting among friendly tribes, hunting and fishing, and occasionally fighting the hereditary enemies of his people, the Comanches, Kiowas, Cheyennes, Sioux and Arapahoes.

In 1859 he selected Chipeta as his wife, who was a Tabequache maiden. He was very sincerely devoted to her and a son was born to them, a very bright little boy. A hunting party under the command of Ouray was at one time located near the present site of Fort Lupton, twenty-five miles north of Denver.

The camp was surprised by a band of Kiowas, who captured the boy, then about six years old. This was a source of deep sorrow ever after to the great chief and his wife, for they never recovered him, in fact they never heard of him afterward. The boy may be still living, but there is no doubt that he was trained to forget his parents. If he is living, he has without doubt heard of Ouray and Chipeta.

The great chief during the progress of the councils always listened with profound attention, and then would arise with dignity and strength and with great eloquence expose their fallacies until they were ready to blush with shame.

In their last council in regard to boundary lines, a satisfactory settlement was made by increasing their annuities and paying Ouray a pension of $1,000 annually. Kit Carson and Ouray were intimate friends.

In stature, Ouray was like the Utes, generally short. He stood five feet, seven inches in height. He became portly as he advanced in age. His head was unusually large and well shaped and his features were regular. He was dignified and pleasing in conversation and took great pleasure in conversing with intelligent and refined white men, whose respect he commanded, and of broad and intelligent views.

When in command his word was law. On one occasion when the incoming settlers were crowding upon the frontier regions he and Kit Carson averted a general war by diplomacy.

Although one of the savages of North America, he could have taught the Czar and kings of the East much to their interest and to the happiness of their subjects. He was a model in habits, for he never chewed tobacco, abhorred whisky, took but a sup of wine in company when it was offered, and then only as a matter of courtesy to his friends. He never swore nor used obscene or vulgar language. He was a firm believer in the Christian religion, and two years before his death united with the Methodist church. He realized that resistance would result in the extinction of his people.

He died in 1881 from Bright's disease, death being hastened by the malpractice of his medicine men.

Thus passed a real Indian, who richly deserves the grateful consideration of the people of Colorado.

# CHAPTER XXIII

## *Otto Mears, the Pathfinder of the San Juan*

BY a unanimous vote of the Colorado Legislature, the Board of Capital Commissioners was directed to place the portrait of Otto Mears in the dome of the State Capitol building. This place had been reserved for the portraits of great men of the state, and wherever Otto Mears is known it will be considered that the action of the Legislature is an honor most worthily bestowed.

No history of Colorado could possibly be written without him as one of the chief actors on the stage of her creative period. He has done a vast deal for Colorado's material advancement and it has all been accomplished in such a matter of fact and business way that very few of our own people know anything about the wonderful career of this remarkable man.

His history is a thrilling romance. His success demonstrates the immense possibilities of the Rocky Mountain region for ambitious and energetic young men.

Mr. Mears was born in Russia. When a boy he left home and went to California. After the war broke out he joined the First regiment of California volunteers, Company H, in the spring of 1861. He served in the army over three years, part of the time under Kit Carson in the Navajo war, and was discharged in 1864, in the Mesilla valley, New Mexico.

On leaving the army he went to Santa Fe and was employed there for a short time, as a clerk, by the firm of Elsberg & Amberg. Shortly afterwards he went into partnership, in the retail business, with the firm of Staab Brothers.

Getting tired of Santa Fe, he moved in 1865 to the old town of Conejos, on the north side of the river (opposite the present town) where Major Head was living, and started a general merchandise business. There was then no saw mill or grist mill in Conejos county, which embraced the present counties of Rio Grande, Mineral, Saguache, Hinsdale, Ouray, San Miguel, Dolores, Montezuma and Archuleta, and Mr. Mears formed a partnership with Major Head, for the erection of a saw mill and grist mill. At that time iron materials were very scarce, and as nails cost from fifty cents to a dollar a pound, everything about the saw mill was constructed entirely of wood, with the exception of the saw—an "up and down" one. The wooden wheel was tied with rawhide. The grist mill was built of home materials and the stones were of lava found in the vicinity of Conejos. At the time these mills were built, the Government paid $20 per hundred pounds for flour, and lumber was worth $80 per thousand feet at the mill.

After the grist mill was completed, it was found there was not sufficient wheat raised by the Mexicans to keep it running, so Mr. Mears went to Saguache (which in 1866 was made a county by the Legislature, he being appointed by Governor Cummings as the first treasurer of the county) at the upper end of the valley, to farm and grow wheat for the mill. Mr. Mears, finding cutting grain by hand sickles and threshing with sheep, a very slow and expensive process, in 1867 brought into the San Luis valley the first mower, reaper and threshing machine. When the threshing machine arrived in the San Luis valley the Mexicans, on seeing it work, refused to have their grain threshed, as they claimed the machine was stealing it, and they went back to the old way of threshing by sheep.

By the time he raised wheat the Government price for flour dropped so low that it did not pay to ship the wheat to Conejos and he had to hunt another market. He went over to the Arkansas valley, where at that time Charles Nachtrieb was building a mill, and found that there would be a market for flour at Granite and California Gulch. He found, however, that there was no wagon road from Saguache to the Arkansas valley, but only a trail over Poncha Pass, so he commenced the construction of a road down Poncha

Pass, to enable him to haul his wheat to the mill in the Arkansas valley. While constructing his road, old Governor Gilpin, who was the owner of the Baca grant in San Luis valley, came along on horseback. He was very much interested in the wagon road, as he wanted people to be able to get into the valley from the northern end, and at that time suggested to Mr. Mears the advisability of constructing his road on such a grade as could be utilized for a railway, which he said would certainly be built over that pass. Mr. Mears, of course, looked upon the Governor's advice as a joke, for there was not even a railroad then to Denver; but the Governor met him so many times and talked so earnestly on the future of Colorado that Mr. Mears finally became impressed with the Governor's ideas. The building of this road was the origin of the Mears system of toll roads in the San Juan country, and opened the first wagon road to the San Luis valley from the Arkansas river.

In 1871, when the first silver excitement commenced in the San Juan, Mr. Mears, Enos Hotchkiss and others organized a company to build a wagon road from Saguache to Howardsville, in San Juan county, across Cochetopa Pass to the Cebolla valley, and from there over to the Lake fork of the Gunnison to the present site of Lake City. Mr. Hotchkiss, who was a miner, discovered the first mine in the vicinity of

Lake City. He called it the "Hotchkiss" mine, but in recent years the name has been changed to the "Golden Fleece."

In 1872 Mr. Mears started a newspaper at Saguache, called the "Saguache Chronicle," for the purpose of advertising the San Luis valley.

After the Hotchkiss mine was discovered, he, with others, incorporated the town of Lake City and, feeling that the outside world ought to know of the silver and lead deposits at that place, published a newspaper called the "Silver World." The paper was printed in a tent, as there were then no houses in Lake City. The first issue of the Silver World was carried by the editor, Mr. Wood, over the range to Del Norte, on snow shoes, and the publication of this paper started the Lake City boom.

The same year there was ore discovered by Captain Cline and party, in the vicinity of where Ouray now is, and the United States Government established an Indian post on the Uncompahgre river. There was no road to the Uncompahgre and the present site of the town of Ouray, so Mr. Mears projected and built one called the Lake Fork and Ouray Toll road from the Lake Fork of the Gunnison, connecting with the Saguache and Lake City road.

In the fall of 1875, as recorded in Chapter X, the contract for carrying the mail to the Uncompahgre

Agency was given to Mr. Mears. He was informed by the Assistant Postmaster General that a heavy fine would be imposed for failure. Accordingly, to make sure of prompt deliveries, he began carrying the mail in a toboggan drawn by dogs, with a man alongside on Norwegian shoes. There was not a trip missed until spring commenced, when the snow got soft. The few people who were in Ouray at that time got in their tobacco, coffee, sugar and other supplies by mail, which made it so heavy that it was impossible to carry it with dogs. There was also in the mail ladies' hats and dry goods, and in carrying it the man with the dogs would sit down on the toboggan and mash the whole thing up, so that tobacco, sugar, coffee, black powder and ladies' hats got so badly mixed that the people of Ouray complained to the department. The department decided that mail which had to be carried on snowshoes and toboggans should not be used to get in ladies' hats and general supplies.

In March of 1876 the snow got so bad that neither dogs nor snowshoes could be used, consequently the carriers quit their jobs. Complaint was made to Washington about non-delivery of mail. Mr. Mears, who was occupied in performing mail contracts in other portions of the San Juan, upon being advised from Washington of the complaint which had been

TWIN PEAKS
On the Ouray and Red Mountain Toll Road

made, started to carry the mail himself, as he could get no one to undertake it. At the Lake Fork of the Gunnison the snow was still about two feet deep, very soft, with the water running underneath, and with every step he sank down with the mail on his back. Finally, after three days in which much hardship and fatigue were endured, he got into the Uncompahgre valley with the mail, had the trail opened and the mail again went in regularly.

He next built the toll road from Silverton up the Animas river to Animas Forks and Mineral Point. While the Denver and Rio Grande was building into Durango, he built a road from Durango to Fort Lewis. He also constructed a road from Gunnison to Cebolla, connecting with the Lake City road, and almost all trails and wagon roads in the San Juan country. Mr. Mears constructed the Mashall Pass road, over which the Denver and Rio Grande now runs, and sold his rights in the road to that company.

He freighted from Saguache to Colorado Springs with ox teams and ran pack mules and mule teams in Silverton, bringing down the ores from the different camps and from the Telluride district to the railroad at Silverton.

In 1884 Mr. Mears was a member of the Legislature at the time Senator Bowen was elected, and it was, undoubtedly, owing to Mr. Mears' efforts and influence that Senator Bowen succeeded.

He began to find that pack animals as teams were too slow for the rapid development of the San Juan country and proceeded to build railroads. His first enterprise in that line was the road from Silverton to Red Mountain. The next was the Rio Grande Southern, from Ridgeway to Durango, via Telluride and Rico, connected with the Denver and Rio Grande at both ends. He afterwards built the Silverton Northern railroad, from Silverton up the Animas river to Eureka.

When the State Capitol was begun, Governor Cooper appointed Mr. Mears one of the commissioners. He has held the office ever since and has been one of the most active in looking after the construction of the building. The Colorado State Capitol is one of the very few public buildings in the United States which has been built without complaint or scandal being directed against those in charge of its erection. There never has been a whisper of dishonesty or corruption against the commissioners.

When the panic came in 1893, Mr. Mears lost control of the Rio Grande Southern railroad and most of his fortune. As Colorado was extremely dull and no new enterprises going on, he concluded to go east

CR

OTTO MEARS
As he Appears Today

and show them how to improve a wild country. He struck the southern portion of Maryland, where there were no railroads or telegraph lines, and built a railroad from Washington to Chesapeake Beach—the only salt water resort in the vicinity of Washington.

## CHAPTER XXIV

### *Gold City and Rico*

IN the spring of 1879 gold was discovered in placer bars, amidst intense excitement, at the junction of Dallas Creek and Uncompahgre River.

It was a city of tents that sprung up in a day. Everybody in "the park," at Ouray and at Silverton rushed to Gold City.

Grub staking projects commanded a premium and for a time, like loaded dice, seemed to turn "the high card;" then there came a flop and the dice lost, for most exceedingly short lived was Gold City.

Ere the summer season had blended with autumn the bubble had "busted," the bars petered and the denizens of Gold City one fine morning in August packed up their "dunnage," "folded their tents like the Arabs" and silently stole away.

A year later the site of Gold City became that of Dallas, which, as we have seen, flourished in "the eighties" as a forwarding rendezvous for Telluride freights per wagon trains.

The denizens of Gold City pulled out for Rico in 1879 as already referred to in Chapter thirteen. The writer was one of them. At one stream on our route, which was called Naturita Creek, red oxides of iron abounded and there were indications of asbestos; likewise of some bright, crimson colored shales, that might have been cinnabar, but which proved to be some kind of "orpimint" or red paint. Here we diverged from the main trail to Rico to prospect for paint.

Here, doubtless, came the Indians in an older time to paint their faces for the war path. Indeed, some bucks had evidently done that very thing not many days prior to our trip. Though none of them molested us, there were some cow-boys, less fortunate, who met with rough treatment at their hands on a Sunday prior to our arrival at Rico, of which more anon.

* * * * * * * *

Dave Wood's freighting outfits and Meserole and Blake's stage lines were loaded, going and coming. For a time the intrusion of zinc gave old time miners the horrors, but soon the climax of discovery was capped at Nigger Baby Hill, where the tide of hopeful miners ebbed and flowed, the goal that all were striving for—"block maganese," containing carbonates running high in silver. It was said of Nigger Baby Hill that so many claims were "salted" there to catch "tenderfeet" that its bed would have stood tests as relics of Sodom 200 years ago.

The culminating spectacle of a salted proposition reached its climax in the "Puzzle Extension." Thrice it had been salted and thrice in token of persistence had the new owners run it into the ground till at last a "bonanza" of genuine carbonates was discovered. One hundred and fifty thousand dollars came out and fifty thousand dollars put in, making a total gain of one hundred thousand dollars.

Is it not discouraging how stock holders depend on other people sometimes in this world?

George Barlow's saw mill got stuck fast in the muddy trails so often that his machinery was strung out all along the road from Placerville to Rico. Eventually he got there and set up in business as the pioneer saw miller. His success was instantaneous for, verily, to use his own expression, "those who bought lumber paid for the saw dust."

The original settlers of Rico, as already intimated, found the country around about much troubled by the Ute Indians, who viewed with sullen indignation the gradual occupation of their hunting grounds by white men.

After experiencing various hardships many of the pioneers became discouraged and ere the winter of "80" set in, left camp.

The nearest that beef cattle could be driven was six miles from Rico, where they were slaughtered and the meat taken to town on pack animals.

That fall a trio of cow boys (Fred Mayol, Jake Hafer and John Barnhart) were treated to a novel but disagreeable experience while resting and feeding their "stock" on Utes' grass at Tabewatch Park, Modesty's stamping ground. By him they were interviewed and pointedly told that they were not welcome.

This was the first time they had ever met Modesty, alias Mr. Tah-koo-ni-ca-vats, otherwise they would have known better than to have fooled with him. They were informed that the "park" in which they were camped was exclusively Utes' park, or in words to that effect, and that no more camping should be done there. In other words, they must "vamoose," for their time was up. They must hike out betwixt that and the succeeding sun (pointing to the sun) or dire would be the consequences of delay.

On the following morning, Sunday, the same Utes (Modesty and brothers) returning from Rico pretty well loaded up on "Gukenheimer," saw with grunts of disfavor that the whites had not obeyed their commands of the day before, whereupon, the whisky drinking redskins resolved to have some fun with the white men, so they ordered them down on their hands and knees to eat grass.

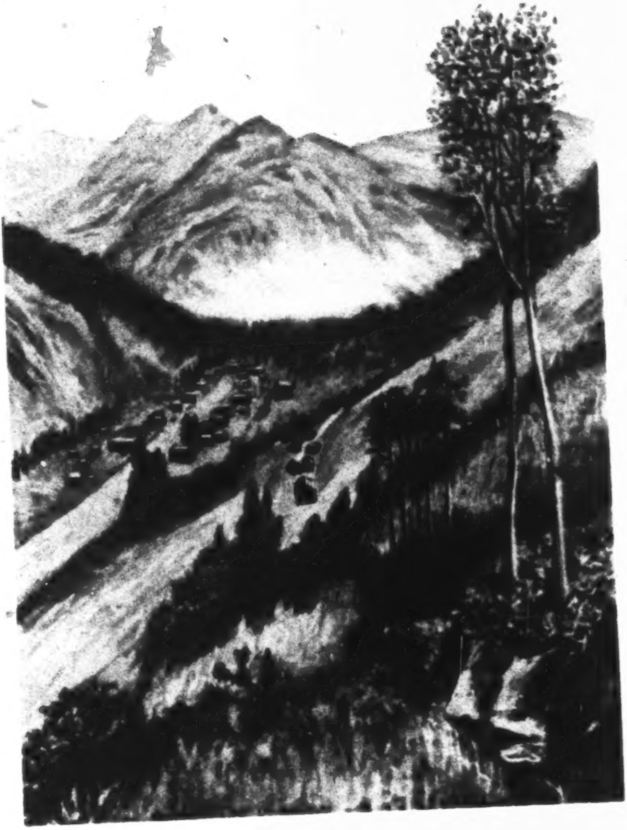
Their mandate, this time, was not to be treated with contempt, for "Cats," as they called Modesty, reenforced it with six shooters. "White man heap like 'um' Utes' grass! Wano! white man! Wano! White man got heap big mouth, heap eat 'um' Utes' grass—'Um'—'Um.' "

As the fodder was plentiful and in variety, the boys stood a fair show to "graduate" as "vegetarians," seeing that Cats & Co. had, to all appearances, decided that very proposition for them by "camping" right there.

It boded ill to them in the wind up, and was not a little disconcerting. However, as luck would have it, Mr. Modesty was of an inquisitive turn of mind that evening and discovered among the boys' effects two quart bottles of "private stock," whereupon he and his brothers decided to "liquor up" and eventually "flooded" their lower levels.

This gave the boys their long looked for chance to escape, so gathering up their herd they hit the trail to Rico, well rid of their disagreeable Sunday visitors.

Rico stands in the center of a volcanic upburst which has parted the sandstone and limestone once spread thousands of feet thick over the area, and whose edges now stand as bold bluffs all around this break, which is nearly four miles in breadth and about eight in length. To locate it on the map you must place a dot on the Dolores River at the eastern foot of the mountain which Professor Hayden calls Station 37.



Rico, Colorado

The Rico mines are characterized by their great dissimilarity with each other. Nearly every sort of ore, of both silver and gold, is found in a most heterogeneous way among the lavas. The richest ores are those without lead.

There is also in the near neighborhood of Rico, high up on the "mesa," a magnificent supply of bituminous and free-burning anthracite coal, good material for charcoal, limestone for flux, bog and magnetic iron, fireclay and good building stone. Zinc in great quantities has lately been discovered in Nigger Baby Hill, which promises a great future for Rico as a zinc camp.

# CHAPTER XXV

## *George Howard, a Smooth Highwayman*

PROMPTED by a deep and sincere affection based upon an unusually intimate acquaintance from the day in which he first struck Colorado, I am about to essay the difficult if not impossible task of condensing into a single short article the career of George Howard, cattle and horse thief, superintendent of stage lines, exploiter of politics, etc.

In this age of electricity men think quick, live fast and die young as a general rule. Howard was no exception to this general rule, but, withal, a most glaring exception to the "Golden Rule." Like most of his class, though lavish in the use of money, he had a full realization of its value and made close contracts for his work.

As the trusted agent of Meserole and Blake's stage lines, he had full access to free telegraphing all over Southern Colorado and Utah. Every stock tender along the line and every stage driver was invariably a man of his own choosing; thus he soon had an army of "cappers" ever alert to do his bidding; an organized band of robbers. The strangest thing in all of this was that he held his own above suspicion for two years.

In politics he was a violent partisan, loved a bitter personal controversy better than a dinner, could write without the restraints of editorial courtesy or extreme delicacy, and possessed a peculiar aptness for the free ways of the frontiersman. These qualities, moveover, fitted well into his work of cattle rustling, business manager, horse thief and contractor, and he was all of these.

Howard's career, however, like all unlawful walks of life, had to terminate in disaster. He met his fate at Morrison's ranch, at White Water, near Grand Junction, in the spring of 1882, at the hands of three deputy sheriffs.

It has been frequently asserted that Howard "stood in" with the notorious Stocktons of Durango in several cold blooded murders, but that is a popular mistake. Howard was too shrewd a man to trust any part of an organized business in the hands of such bungling cutthroats. Moreover, he invariably expressed a supreme contempt for their stunted mental calibre and low order of intelligence, to say nothing of their cowardice, for with all his faults Howard was a brave man.

Previous to "the eighties" he lived a good deal in Northern California, notably in Shasta County. By turns he followed placer mining there,next at the Dalles of the Columbia and then followed a sort of "jack leg" existence in Washington Territory and Idaho.

Afterwards, coming to Del Norte, Colorado, he prospected at Summitville, made a "stake" and then hiked it over the range to Ouray where, as we have seen, he led a checkered career.

In spite of his faults he was a man of undoubted ability; possessed of polished manners, and gifted with that peculiar talent which reads at a glance the various classifications of the human mind.

An account of his pursuit and death at the hands of Sheriff Allison and the breaking up of his gang is here presented to the reader, having been culled by the writer from the columns of "The Solid Muldoon" of May 5, 1882:

"Roe Allison and J. L. Crooks of Gunnison and Pat Daly of Crested Butte arrived in Ouray Wednesday morning from the Grand River country and fresh from a roundup with the Howard gang of cattle and horse thieves."

### ALLISON'S VERSION

Deputy Allison stated that himself and Bowman, who were on the trail of Howard and his gang, drove up to Morrison's ranch on a buckboard on Monday, 21st inst.; saw no one around the buildings but Monroe and his wife. They had a talk with Monroe about crossing the river in quest of a saw mill site; Bowman was the man who desired to enter into the lumber business, and after talking a few minutes they asked Monroe if he could accommodate them with a lunch, and being answered in the affirmative Allison sat down behind the buckboard in the blacksmith shop door while Bowman went into the house after the lunch. Howard was in the house when Bowman entered and the conversation drifting into the lumber business, Howard produced a map showing every body of timber and every trail in the country. After a careful look at the map, Bowman started for the buckboard followed by Howard, and when near the shop Allison recognized Howard and shook hands—Howard, after the shake, allowed his hand to rest in an indifferent manner on his six shooter. Noting a shotgun and Winchester in the buckboard, he remarked to Allison that "they are daisies." Allison tipped the wink to Bowman with his elbow, but Bowman thinking it was Allison's six shooter he had bumped against, paid no attention to the warning. Allison continued his remarks about inducing his Denver friend (Bowman) to put in a saw mill and began to inquire about the ford, at the same time attempting to throw Howard off his guard by climbing in the buckboard in a very lazy manner and throwing his shotgun across his knee prepared to drive off, when Howard volunteered his services as a guide across the river.

Allison accepted his courtesy with thanks, and as Howard turned to go for his horse Allison jumped from the buckboard, covered him with his shotgun and ordered "hands up." Howard went for his "pop," and while in the act of drawing it was fired on, both charges (twelve buckshot) taking effect in his side. Allison was shocked to discover that Howard did not fall, and followed him with his six shooter; Bowman in the meantime having run around the building to head him off. As Bowman gained the east corner of the building Howard was discovered about one hundred and twenty yards away going at a good gait and shooting back as he ran. Bowman opened fire with his Winchester, the first shot striking Howard's left shoulder and the second entering the base of the skull and coming out under the right eye, produced instant death. His person was examined and nothing of importance discovered. He had one dollar in silver currency, which was about all that was found worth mentioning. After his body was searched it was turned over to Monroe with a request from Sheriff Bowman that a decent burial be extended and the bill for same forwarded to him at Gunnison for payment.

### LEAVING MORRISON'S RANCH

The sheriff and posse continued in pursuit of other members of the gang and after a ride of three days, without any food other than jerked venison, returned exhausted and their stock worn out and abandoned.

Deputy Brown of Grand Junction, with two companions, were last heard of on the White River trail close on the heels of Lee Mathews and Wellington, and it is believed that they will be either killed or captured.

It is the intention of Sheriff Bowman and the legitimate stock growers of Utah and the Grand River Valley to completely exterminate the band and the death of their chief is but the beginning.

### GEORGE HOWARD

The victim was well known in Ouray, having for a long time been connected with the stage line of Meserole & Blake. Two years previously George Howard's order or word was good for almost any reasonable amount. He was very popular and had the confidence of several of our best citizens, a confidence which he betrayed last spring on some very unexpected and dishonest work with Strayer & Mark, who had offered him both a home and an excellent opportunity to make money. After being discarded by Strayer & Mark he went to Utah and engaged in stealing cattle, both in that territory and on the Reservation. He knew every trail and cañon in Utah and every inch of the Reservation. His style was to inspect a herd, initiate some of the herders into the gang, round up the fattest steers and divide the swag.

His real name is reported to have been George Howard Stunce. He was a Missourian by birth and about forty years old. Of fine personal appearance, elegant social qualities, a fine conversationalist and possessed a wit of more than ordinary merit. He wielded a revolver with skill, a Winchester with accuracy, and, in short, was a b-o-l-d b-a-d man.

He has paid the penalty and we trust gone to that bourne where an ounce of virtue balances a pound of cussedness. Peace be to his dust!

# CHAPTER XXVI

## *Montrose and Its Early Settlers, and a Cliff Dweller's Romance*

WHEN the whistle of the first engine at the point of the little mountain east of Montrose awakened the echoes among the hills of the valley in the month of June, 1883, there was a mixed sensation among the old timers of the neighborhood! Those who had been working and waiting for the civilizing effects which inevitably follow the railway were overjoyed; they threw up their sombreros and cheered and many the tear-moistened eyes that had long since ceased to weep, but there were also a few old fellows who shook their heads sadly and openly expressed their disapproval of the advent of the railway and also their determination to hitch up their cayuses to the prairie schooner and with the traditional yellow dog under the wagon "hit the trail" for some place further west, where they could live in peace. Fortunately there were but a few families of this type, and those who remained got down to work in good earnest; and with many difficulties to encounter and many trying hardships to endure, they fought the good fight for twenty years, and today, apples, pears and peaches have taken the place of the sage brush—the ever fair valley is fairer still with fields of alfalfa, wheat and corn; the vast fastnesses of the mountains, and their feeding grounds are now occupied by the finest herds of American stock! These Anglo-Saxon pioneers have conquered an empire! From Glenwood Springs on the east down the Grand River westward to the Utah line, they have reclaimed a desert and converted it into a delightful chain of gardens, orchards and farms, interlinked with busy towns and cities and smiling villages.

The orchards and vineyards and gardens of Colorado's Grand and Uncompahgre valleys are today more beautiful to the eye and vastly more productive than were the orchards, vineyards and gardens of Granada in old Spain nearly 500 years ago, when Bobadil El Chico, the last king of the Moors, took his sad farewell view of the place he considered the fairest spot on earth.

This marvelous accomplishment in the Grand and Uncompahgre valleys has not been reached without much toil, energy and ever abiding hope, and it is fair to say that from the very first the Denver & Rio Grande railway has not only been one of the leading factors in this gigantic work, but it has made possible its achievement.

This fact is fully appreciated and the "Baby Road" of the mountains—now fully grown—has a warm place in the hearts of the old pioneers of the Grand and Uncompahgre country.

### A CLIFF DWELLER'S ROMANCE OF SHAVANO IN MONTROSE COUNTY

(*Story of a war caused by a woman among a prehistoric race.)

The stories of investigators of late years disclose that the ruins of the ancient cliff dwellers are scattered over 100,000 square miles in Colorado, Arizona, New Mexico and Utah.

The great mystery of who they were and how they were annihilated still puzzles the scientists. They figure that it could not have been famine, since great stores of corn have been uncovered, nor could they have migrated, because no other race possesses the marked characteristics of art and architecture shown by the cliff dwellers. Traces of fire have led to the conjecture that their destruction must have come through a volcanic eruption.

The later investigators take no stock in the old theory that the Pueblo Indians, who now occupy a part of the old territory, are descendants of the cliff dwellers. Their decorative pottery symbols are entirely different. The older race had great communal buildings of stone,

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*From New York Sun, May 19, 1907.

frequently of many stories, and faced with hundreds of square yards of tool dressed rock. The Pueblo lives in houses of sun-dried brick.

The walls of many of the cañons and houses are covered with hieroglyphics. Interest in these hieroglyphics has recently been revived by the assertion of Prof. F. K. Porter, of Boston, that he has been able to decipher one of these inscriptions.

About five years ago Homer Wright, of Montrose, went out to the Shavano valley to wander among the ruins. He took his camera with him, and of what is known as the great picture rock he took a number of views. These were later transferred to post cards, and the latter sold broadcast. One happened to fall into Prof. Porter's hands. He has recently written to Wright for more cards, asserting that he has discovered the clue.

These pictures are rude drawings of various animals, some prehistoric, others apparently of bear, deer, spears, strangely clad men and women, and battle and journey scenes.

According to Prof. Porter, the ancient dwellers of Shavano Valley had a war over a woman.

The chiefs of three tribes loved her, and when the contest ended all had been killed, including the princess, who was hit in the eye by a fine pointed arrow. A

PICTURE ROCKS. SHAVANO VALLEY NEAR MONTROSE, COLO 120032 number of arrows such as are shown in the picture were found some years ago at the base of the wall.

Prof. Porter says the card he has showed but one incident in the history of the people.

The photograph did not include a hundredth part of the picture-covered wall, and Prof. Porter promises to come to Colorado in the near future and continue his deciphering.

# CHAPTER XXVII

## *Grand Junction*

VOLUMES have been written regarding Grand Junction, the young metropolis of the Western Slope and of Eastern Utah. Newspaper correspondents and artists of great ability have burnt the midnight oil and exhausted their energies in describing and illustrating the beauties of Palisade, with her magnificent landscape of peach orchards, which have no rival on earth and which sell from $1,000 to $4,000 per acre—a higher price by far than has ever been placed upon any peach orchards before in any part of the civilized world.

### *THE GRAND VALLEY PIONEER

Active settlement in the Grand Valley commenced in the spring of 1882. At that time the valley was a barren sagebrush desert, without history, chart or record to guide the early pioneers who had gone forth to locate homesteads and reclaim a desert country.

The definition of the word "pioneer," as given by Webster, is "one who goes before to clear the way."

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*NOTE—The above sketch is from the pen of Benton Canon, Esq., of Grand Junction.

We think that definition is hardly adequate to cover the Western Slope pioneer and will suggest the following addition:

*"One whose capital and stock in trade is a pair of hands, a pair of feet and a head on his shoulders, but money he has not. A man who saw with a prophetic eye, and was armed with a definite purpose. One who led the way into the unknown, hewed out the first trails, wrote the first chart to guide those who followed, and one who is seldom known and properly honored in his own country until after he is dead."*

The Grand Valley pioneer was called upon to build the first roads, trails, bridges and cabins for the accommodation of the people.

The lumber necessary for these improvements had to be cut by hand with whipsaws, at an expense of $160 per thousand feet; land cleared of sagebrush, and the plow set in motion to prepare the ground for planting. The campfires of the Indians were dying out and they had taken the trail for their new reservation in the Uintah Valley of Utah. These were indeed stirring times in the early days of the Grand Valley.

From the spring of 1882 to the spring of 1912 covers a period of thirty years. The first five years' history was devoted almost entirely to experimental purposes. Soil and climatic conditions were unknown and about the only thing for the pioneers to do was to try out the country in the *crucible of practical experience.* Gardens, orchards and fields were planted here and there about the valley where water could be obtained for irrigation, and at the end of this experimental period of five years the net results proved to be a revelation to the early pioneers themselves, as well as to the people of the entire state. Apples, pears, peaches, grapes, cherries, plums, wheat, oats, corn, alfalfa and garden products, together with soil and climatic conditions, had fully met the hopes and expectations of the pioneers, and the future destiny of the Grand Valley as a fruit and general farming country was firmly established in their minds. From that date the fame of Grand Valley as a fruit-growing country began to spread until it became known in almost every town and hamlet in the United States.

The second period in the development of our valley dated from the spring of 1887 to 1912, covering another period of twenty-five years of its productive history, which has more than justified the fondest hopes and predictions of the people who made Mesa County what it is today.

Countries are like individuals—no two in the world exactly alike in character, appearance or productive resources—and the Grand River Valley and the Western Slope of Colorado certainly stand in a class of their own, and in estimating the future of this great empire this fact should not be overlooked. Grand Valley lies on the Pacific side of the main Rocky Mountain range, facing to the Southwest. Its location is on the warm side of the mountain range, which shelters it from many of the storms and blizzards which frequent the Eastern Slope of the state in the winter season. The atmosphere of the valley is warmed to some extent by the air currents from the hot deserts of the Southwest before they come in contact with the almost perpetual snow districts of the main Continental Divide.

For reasons above stated and the further fact of the valley being surrounded on all sides by mountain ranges, cañons, hills and mesas, it is almost immune from damaging hail and wind storms, and a cyclone has never been known in the history of the valley.

### *GEOLOGICAL FORMATION

"Ages ago the land upon the present site of Colorado was a narrow strip of rocks along the Continental Divide. This ridge was slowly lifted above the vast sea that covered nearly the whole of North America. Then it slowly crumbled away and was carried by the rivers into the oven on either hand, where it spread out on the bottom of the sea in vast beds of mud and

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*Note—The above geological history of the Grand Valley appeared recently in the Pueblo "Chieftain" from the pen of Mr. Paul Richter.

sand, extending for hundreds of miles. For millions of years the process continued until these ancient deposits were over a mile in depth.

"The huge beds slowly arose from the waves and became dry land. The part east of the mountains was elevated about a mile above the sea level and constitutes the Grand Plains of today. That portion on the west, however, was raised nearly twice as high and formed a great mesa, covering all Western Colorado and a portion of Utah. The present site of Grand Junction was buried a mile deep.

"At a later stage a tremendous eruption of volcanic ash and molten rocks covered this plain with one vast sheet of lava, the remains of which may be seen today in the upper layer of the Grand Mesa.

"The great ice age followed, when huge glaciers bored channels through the level plain, plowing out the solid rock in furrows a mile deep and ten miles in width.

"Then was formed the Grand Valley of Colorado, including under that name the valley of the Uncompahgre, and those of other tributaries, such as the Gunnison, the North Fork and Plateau.

"The famous red soil covering the floors of these valleys was formed by the decomposition of the sandstones, lavas and clays forming the substance of the adjoining mesas. In one respect the Grand Valley differs from any other locality in the world. This is its peculiar situation relative to the yast mesa. In the first place, these mesas rise on all sides in precipitous cliffs, 5,000 feet high, effectually shutting off the storms. In the second place, their broad, flat tops are covered with snow until the midlde of spring, thus keeping the air cool in the valley below and preventing the trees from coming into bloom until the warm weather has come to stay.

"This is the principal explanation of the fact that the tenderest peaches, pears, apricots and cherries have been raised here for twenty years in succession, while even the California grapes are grown to perfection.

"If the mesas were higher or rough, the snow would remain all summer and possibly cause frosts to destroy the fruit.

"The first orchards in the Grand Valley were planted on the lowest ground because it was easiest to irrigate. Last spring a frost occurred in the Grand Valley, but, thanks to the orchard heaters and smudge pots, the fruit was saved. At the same time there was no sign of frost on the benches two or three hundred feet above the lowland.

"As the greater portion of the valley consists of these benches, its value as a fruit region is proven more conclusively than ever. Various irrigation projects now under way, the Gunnison tunnel, the high line canal, the orchard mesa pumping system and the Riverside reservoir and canal system will soon irrigate all the bench land now remaining in the Grand Valley. When this land is all under water, a great rise in land values is expected, for the simple reason that there is no other valley that combines the climate, the soil and the water with the peculiar protection afforded by the vast mesas."

# CHAPTER XVIII

## *In the Sunny San Juan*

By Helen Marsh Wixson.

(Illustrated with drawings by F. R. Gruger.)

IT was in the early eighties, or was it in the waning seventies? However, the year is not of as much importance as the fact that it was in the booming days of the once celebrated mining district of the San Juan, where the inhabitants of Durango were mostly men, and men of that rough and ready order which follows the fortunes of a mining camp; generous and bighearted, but hot headed, always ready to "shoot up the town." When it suddenly came their turn to pass in their earthly checks, they usually did it with their boots, and quite as often, with their spurs on. Those were the days when the ready gun struck terror to the hearts of the just and the unjust alike, for bullets, as well as arrows, if you will allow me to paraphrase the great poet, may fall to earth you know not where, and they have

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Note—For this sketch, which for beauty of description and wild, thrilling interest, will compare favorably with any known to me, I am indebted to the "Good Housekeeping" magazine and to the courtesy of Mrs. Helen Marsh Wixson, the present superintendent of public instruction for Colorado.

an unpleasant way of plowing through even innocent obstructions; the days when Ike Stockton, for whom there was a large reward offered in New Mexico, "dead or alive," ate his meals at the old Leland hotel in Durango with a six-shooter at each side of his plate, his restless, hunted eyes searching the face of every newcomer. The good people of Durango, as you know, made him welcome. "Blood money" Colorado men refused to deal in, but there were others, from over the border, who were not so scrupulous, and one day they got him, quite dead to be sure, but loading the limp body upon a burro, they trotted off to New Mexico and the waiting reward.

It was at this time when reckless lawlessness seemed at a premium, that I went West to join my family, who had preceded me in their search for gold, and one day found myself walking the streets of Durango, which, until the boom blew away, I was to call home.

At that time my most precious asset was a fine mezzo-soprano voice, supplemented by a grand piano, which had found its way to that mountain fastness some weeks before my arrival and which the men of the camp had all lent a willing hand in unpacking and setting up in the little canvas-lined house where it belonged. Pianos were not an everyday occurrence in Durango, indeed, there were few to be found, save down on Railroad street, the "red light district," and the fact of that piano and that I could sing was known to every man, woman and child in the camp long before my arrival. Nor were they slow to test my ability, for on the evening of my arrival I sat down to try my voice in the new altitude, and after I had gone through the list of home favorites, my sister, who had had her attention attracted by suspicious sounds, suddenly raised the shade of the long French window—oh, yes, there were such things as French windows in Durango even at that early time—and there, in the brilliant moonlight stood my first Western audience, a crowd of silent men—and they were quite unabashed at being caught in the act.

Believing that my voice should carry pleasure, perhaps comfort, to as many as cared to come and listen, I at once took my place in the choir of one of the churches. For there are two things which always follow in the wake of a boom in the West, churches and hospitals, and Durango was no exception to this rule. There was a Catholic church and close by Mercy hospital, where the sweet-faced sisters ministered to broken bodies; then there was an Episcopal church with sawdust floor and a rector who was in the habit of leaving his game of poker of a Sunday morning to administer the comfort of very high church rites to the members of his flock. The Methodists had the most imposing church in the camp, with a tower which came to a fine point skyward and a deep-toned bell, the only one in the entire San Juan, the gift of a wealthy Denver Methodist. And last, but not least, there was the Presbyterian church, in which I sang to please my dear mother. But my services were unrestricted and soon I had sung in each church, and wherever I sang, be it midnight mass or Methodist revival, I was sure of an appreciative audience of rough looking men who came for the one purpose of hearing me sing.

There were the pitifully frequent funerals, too; now of a young girl who chose death rather than the horror of her life; again of a poor fellow blown to pieces by a blast, or caught in a remorseless snowslide, or of a man, perhaps only a boy, who had chanced to stand too near the ever ready gun aggressively showing itself from every hip pocket, for there were no "concealed weapons" in that camp.

It soon became known that I drew no lines, but would sing at a funeral, no matter whose or where, and my place in the hearts of that people who knew neither law nor religion became correspondingly warm, and they did not hesitate to proffer their requests.

One day my father came in with a twinkle in his eyes, and told me that a somewhat noted tough and gambler had been caught at a game in Silverton with too many aces up his sleeve and had paid the penalty with his life.*

The man had, until quite lately, lived in Durango and came of a family of well-known outlaws, even the mother having "killed her man," who happened to be the sheriff of the county at the time. The father was in "the pen" for a like crime, while the sons, six or eight of them, had done equally well and were enjoying their freedom simply because no one cared to take the consequences incident upon meddling with them. Then there were several sisters who, to judge from their looks, were "chips from the old block." Their husbands? Well, usually like seeks like, you know. A telegram had been dispatched from Silverton by the dead gambler's friends, asking if I would sing at the funeral, if they brought the dear departed down, and a committee had waited upon my father to proffer the request. They volunteered the information that they were to have the funeral at the Methodist church, "so that the bell would toll," and assured my father that "he" had died "well fixed" and, that being the case, they intended to have a "hell of a funeral." I was just a little in doubt as to the requirements of that brand of funeral, but thought the regular order of things might be made to answer, so sent word to the rest of the choir, and we held a rehearsal that same evening at my home. We went over music suitable for such an occasion, my sister suggesting, however, that we fit the music to the case and make the mourners feel their sinful condition. But I frowned upon the idea, reminding her that a week or two previous, we had narrowly escaped a shooting at a child's funeral, because the minister, it was he of the Presbyterian church, had called public attention to the godless condition of the bereaved parents, pointing his moral with the poor dear baby. The danger line had been so nearly reached in that case that we thought best to be on the safe side this time and selected pleasant neutral hymns. Later I even took the trouble to ask the Methodist minister, a fearless young enthusiast who had been in the West only a few weeks, to be equally careful in his remarks; but I got an unministerial and somewhat sardonic grin for my pains. No doubt he thought me only a "layman."

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*The victim's name was Riley Lambert, the proprietor of a saloon in Silverton. His brother, Henry Lambert, was afterwards murdered in Durango.

But I must stop a moment and tell you something of our choir, for it was unique and typical of the time and place. Among my first admirers had been a really fine baritone, a man not free from the gambling habit, the curse of the camp, and addicted to what he called "full dress drunks," when he would parade the street in the fullest of full dress, even to a crush hat, white gloves and buttonhole bouquet. Another was a small man with a twisted body, the face of an angel and a wonderful tenor voice, full of tenderness, the source of which I could never study out, for his nature was as twisted as his body. By profession he was a gambler, but, coming from a good old Eastern family of wealth, he made an effort to cover his unholy calling with a pretext of mining; though his anxiety to be received by the few "first families" of the camp, he very frankly confessed, was due to the fact that they "had something to eat." These two characters were the first to propose to me the choir scheme. After a consultation with the two dear, good women, the organist and necessary contralto, we decided that if the minister did not object—and he did not, his salary being dependent upon the Sunday collections—the plan could not hurt us, and might be a means of grace to those men. And this was the choir that was to officiate with me.

An inopportune snowslide prevented the arrival of the body on schedule time, but one clear, cold afternoon the church bell tolled, and I wended my way to the church, to find the other members of the choir before me and much wrought up over the fact that the melodeon was not in its accustomed place in the little gallery at the rear, but upon the floor near the pulpit, where it had last been used at a prayer meeting. The seats of the singers, arranged about it, were, of necessity, uncomfortably near the front pews. It was too late to make any change, and I paid little attention to the fussing of the men, who declared that they never would have come had they not remembered the gallery and supposed that it would be our station. I was still too much of a "tenderfoot" to feel a sense of danger in my surroundings and was completely engrossed in my scrutiny of the faces before me. For, barring the seats reserved for the mourners, every one was taken, "standing room only" being left, and not much of that, and the people that crowded the church on that day were all, men and women, of the so-called "sporting world," for whom we were to furnish the desired "hell of a funeral."

The mourners were long in coming, fashionably late indeed, but at last the tolling of the bell announced the arrival of the funeral procession, and then came the voice of the minister, as he preceded the bearers up the aisle with the solemn words, "I am the resurrection and the life." But his voice was soon lost in the steady tramp of heavy feet, and as the casket was lowered to its place very near to us my eyes made the unpleasant discovery that the inmate of that casket seemed bursting his confines and that there were numerous gaps through which we might take a last, if undesired, look at the remains. I later learned that the casket had been "a near fit," but as it was the only "silver mounted one" in the San Juan it had to do. We were to have sung at once upon the bearers depositing their burden, but the steady tramp of feet became more insistent. There was a clank of spurs, the creaking of leather "chaps" and the unmistakable grinding of heavy cartridge belts bearing an additional burden of guns and wicked looking knives, and the mourners filed in.

When all were seated and we rose to sing I looked into their faces and wondered no longer at the uneasy attitude of the members of the choir, who had lived in the West long enough to have felt the pulse of the lawless. Surely such faces I had never looked into before. They were so dark, so threatening, that they seemed scarcely human, while their eyes were the eyes of fierce animals ready to spring and rend at the slightest provocation. My eyes traveled over the four mourning pews, stopped at the mother sitting with four of her wicked looking sons on the front seat. Was she wicked looking, do you ask? More than wicked looking. I was reminded of some of the descriptions I had read of the hags who aided and abetted their sons in "moonshining," for this woman was a shoot from that far away country; the same fangs showed at her tightly drawn lips; the same devil of lawlessness and avarice looked from her bold black eyes.

From the time they took their seats not a motion which we made was lost upon those people. They watched us unflinchingly, I might say unwinkingly. Somehow their steady scrutiny got on my nerves, and as we sat down I leaned over and again asked the minister to be careful. But he shook his head, saying that he should do "what he felt to be his duty." As to the net results of that performance of duty I had come to have misgivings, so much so that I hurriedly changed our next number from the neutral class to the actively seraphic, the organist, meanwhile, recommending the singing of "Asleep in Jesus."

But the evil day could not be averted, and our young enthusiast arose to do his duty, while he had the chance, by those hardened sinners. I soon found my eyes seeking the gaping rents in the casket, rather than the fierce faces, in which the black eyes were beginning to burn with a threatening light. The baritone and tenor advised, in hastily penciled words, that we beat a retreat, but that, considering the crowded condition of the church, was obviously impossible and would certainly hasten the climax, so I silently shook my head.

In the midst of a period of ministerial eloquence upon the place of torment to which the departed had surely gone, I felt a touch upon my shoulder, and turning I saw the anxious face of the undertaker. In a stage whisper he begged me "to call off the minister" and reassuringly told me that the "folks were getting pretty mad," also that "the old woman and the boys" had heard of that other unfortunate affair and had said "there would be some gun play right then and there if Riley was not treated right." But threatening as it seemed, there was no calling the preacher from his self-appointed task, to which he was bringing his entire stock of eloquence. He waxed more and more realistic in his descriptions, and "Riley's" fate was not one to dwell upon with any degree of pleasure, while the same fate, so he assured his audience, was awaiting the sinners who packed the church to suffocation.

I held a whispered conversation with the organist, who was pale and shaken, but still "game," and then awaited developments, hoping all the time for a pause on the part of the reckless speaker. The fierce old mother shifted her position and spoke to one of her sons. His hand immediately slid to his gun, and rested there, affectionately, each brother following his example, while the expression on their faces passed the border line and became dangerous. Again the men of the choir, who had made up their minds to the inevitable for themselves, urged an attempted retreat upon us, but I was intently watching the face of that mother. I took my cue from its venom, and as the minister at last paused for breath in dealing out "hell fire," I rose and stepped to the head of the casket. Before he had recovered from his surprise, the melodeon sounded, and, clasping my cold hands together in front of me to keep them from shaking visibly, I began to sing Millard's *Qui Tellis*:

"The way is dark and dreary,
The path is bleak and bare;
Our feet are worn and weary,
But we will not despair."

I sang the words with all my soul in my voice, for I was singing for that dear boon, life itself, and as I looked into those faces, turned upon me in surprised wonder, I saw them relax and an audible sigh of relief swept over the crowded church as the rigid figures sank back into their seats and the hands which had been placed upon the guns took a more normal position, and the minister, who had taken his seat quietly, was forgotten.

"Our hearts are faint with sorrow
Heavy and hard to bear,
We dread the bitter morrow,
But we will not despair."

As the words fell from my lips I looked into the eyes of the fierce old mother and saw there a gleam akin to human tenderness. Not a sound marred my song. The restlessness had died away, and when the tender words:

"Thou knowest all our anguish,
And Thou wilt bid it cease,
O Lamb of God, who takest
The sin of the world away,
The sin of the world away,
Have mercy upon us,"

had died away into silence, there was a sob from a woman who had loved the man lying so quietly there, and I held those savage hearts, for the moment, as in the hollow of my hand. All the hot anger was forgotten; they were satisfied that the right thing had been done by their dead; that he had had the funeral they demanded for him.

In the hush which followed, the benediction passed unheeded, and the bearers, lifting their burden with unwonted care, passed slowly down the narrow aisle and out into the sunshine to the solemn strains of the Dead March and slow tolling of the bell. Then the mourners with softened look and tread followed and my "emergency" was but a memory.

# CHAPTER XXIX

## *Reclamation Enterprise, Signal and Forest Service*

GREAT enterprises move slowly, and the higher the quarry the slower becomes the process of evolution. Where were the men to hear the call for water? In Washington; but before the proposition had reached the Nation's capital, it had been thoroughly exploited by the state of Colorado, whose early hopes to secure an irrigation project led to an appropriation of twenty-five thousand dollars.

Much technical and scientific data had to be collected in the way of general information, all of which was duly submitted to the state legislature.

The original proposition was an appropriation bill calling for fifty thousand dollars, but after passing through a first and second reading it was tripped up by an over-zealous watch dog of the state treasury, and at the last minute an amendment reduced the amount to twenty-five thousand. The amended bill was only passed after a most bitter struggle. So thoroughly aroused and so much in earnest were the friends of the appropriation bill that Senator Buckley, who at the time was confined to his bed in a hospital, suffering in

RED ROCK CANON
Original Survey for the Gunnison Tunnel (Abandoned)

the last stages of tuberculosis, had himself carried into the Senate chamber to vote for the bill.

To make a long story short, the state undertook the work, but failed. With the $25,000 enough work was done to show the utter insufficiency of the amount, and to prove conclusively that the building of the tunnel was of such magnitude that the Nation itself might well stop and consider well before undertaking it. But failure only served to intensify the desire of the people for the apparently unattainable, till, at last, the objects of their pursuit by dint of persistent knockings at the portals of Congress gained for them their due meed of attention.

### NOTHING SUCCEEDS LIKE SUCCESS

But before the Government took any decisive action upon it there were many important details to be worked out and determined. First, the Government had to be assured by means of thorough surveys that the tunnel was a practical undertaking from an engineering standpoint, and that its cost would not exceed the value of the lands to be reclaimed.

The Interior Department then appointed Prof. Fellows as U. S. District Engineer, and then there followed close upon his heels, after his arrival in Montrose, Colorado, this telegram:

"Can Gunnison River be connected with Uncompahgre Valley by a tunnel?" Whereupon, Mr. Fellows rose from his desk, reached down his hat and went forth to find out.

* * * * Of course, there was a legend that no one could give himself to the cañon of the Gunnison and come out alive. Many men, red and white, had already braved the menace of that terrific fissure, and those that escaped were glad to confess defeat. Mr. Fellows decided upon one companion and called for a volunteer, expressly stipulating that he must be a strong swimmer, temperate and unmarried. Wm. W. Torrence won the dangerous honor. Equipping themselves with rubber bags for instruments and provisions and a pneumatic mattress that would serve the double purpose of bed and raft, Fellows and Torrence lowered themselves into the black depths of the cañon. Ten days they battled with the savage rocks and furious river—sun, moon and stars a strip of light 3,000 feet above them—swimming, wading, climbing, clinging—beaten, bruised, half frozen—they made their slow, painful way, sometimes taking half a day to win a scant fifty feet.

They slept in cracks in the cliffs, along perilous ledges, or spread their rubber mattress on jagged rocks that lifted out of the boiling waters. Time after time they gave themselves to cataracts, not knowing where the wild leap of waters would land them, and twice they let the river's rush carry them through subterranean caverns, blindly trusting to the God that waits on duty.

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*From a write-up by George Creel in "The American Magazine" for May, 1911.

Provisions were swept away, and if it had not been for the capture of a wounded mountain sheep their weakness could not have carried them beyond a certain warm cliff side. Gaunt, haggard and indomitable, they went where man had never gone before, and at the end they told the whole story of adventure in this simple wire to Washington:

"Gunnison tunnel feasible; have located route."

Then came another resolution of Congress at the instance of Hon. John C. Bell to carry into effect further surveys, for which purpose a competent corps of Government engineers was sent out here to assist Mr. Fellows.

But first, through these officials, the Government now required the unanimous endorsement of the inhabitants of the valley before they would consider the project any further. After this, then, a reasonable guarantee was demanded from all the land owners before practical operations would be undertaken. The arranging of these details required time and a prodigious amount of labor before matters could be arranged to the absolute satisfaction of all concerned. Representatives of the people, in association with representatives of the Reclamation Service, were successful, however, in establishing on a permanent basis the voluminous detail connected with so large an enterprise, and on the fifth day of October, 1904, bids for the construction of the great bore were opened. The tunnel was then vigorously pushed at both ends, and also, by means of a shaft, from the bottom of which work was also driven both ways. Thus the tunnel was being driven from four breasts at once.

That was in 1901, and in 1909, the Gunnison tunnel was formally opened and the Uncompahgre desert given over to blossom. Six miles of tunnel, costing $5,000,000.

Fellows's calculations, made in pain and danger, came out to a hair.

"Those who read these columns and who remember the work accomplished by the friends of the Gunnison tunnel in the Thirteenth General Assembly will feel that something has been omitted if they do not see the picture of, and a reference to, Senator W. S. Buckley.

"Senator Buckley has long since gone to the last reward given to men, yet those who will profit by the turning of the Gunnison waters into the Uncompahgre valley will always remember with a peculiar sense of gratitude Mr. Buckley and his work for that project.

"At the time he was representing San Miguel, Montrose and Dolores counties in the Senate his home was in Telluride, but his heart, his hopes and his best wishes were for the entire district and, for that matter, for all Colorado.

"He knew that the construction of the tunnel would mean the awakening of the Western Slope. He knew that when the waters that were then flowing uselessly away to the southward had been turned through the hog-back to the Uncompahgre valley the Western Slope could sustain multitudes.

"He not only knew this, but he realized that the turning of this water on these dry lands would be the greatest invitation the people of his district could give to the people of the world to come and abide with them. Knowing this, he set to work to do his part in pushing the appropriation bill through the state senate. He was not an orator, but he was a worker, and at all times he kept pegging away, doing a little here and a little there, the sum total of which kept the bill ever on the forward move until one night, right at the close of the session, the enrolled copy was given him to carry to Lieutenant-Governor Coates for signature.

"This bill, which Buckley, Hammond, Montgomery, Rawalt and the others pushed through the Thirteenth General Assembly, only carried $25,000, a little less than a one-hundred and sixteenth of the total cost of the canal, but it was a starter, and it was the greatest individual feat of the session.

" Those who remember the beginning of this work and those who are benefited thereby, will often pass the resting place of Senator Buckley and will take pleasure in honoring themselves by spending a moment gazing at the green sward or snowy blanket that marks the place of the honored dead."

Shortly after his appointment, Mr. Fellows resigned and his place was immediately filled by I. W. McConnell, a graduate of the University of Missouri. Under his guidance and general administration the tunnel reached its final completion. The east portal being, of course, at the intake of Gunnison River, was called the River portal, while the west portal, being the distributing headquarters for material, was called Lujane. Here, also, were the Government barracks for the workmen and other buildings which were the homes of the families of the married workmen, a post office, public school and two churches.

LUMBER, AND BUILDING MATERIAL

TOWN OF MONTROSE, COLORADO, FROM DEPOT
(Cross shows where tunnel pierces the hogback)

# CHAPTER XXX

## *Indians and Trails and How They Reckoned Time; Home Life and Customs*

THE wild tribes of different race descents inhabiting these inter-mountain parks since time immemorial all had regularly traveled trails over the various passes leading from one range to another and to the plains country east of the mountains. Later, when trading posts were established west of the Missouri River, they made regular annual trips with furs and articles of barter. Indian trails were made generally, as nearly as possible, on air lines converging toward a low mountain pass or some fordable point on a river.

Their easily transported baggage, which was either packed or secured to long "tepee" poles, one end fastened to their pony's sides like shafts, the other dragging on the ground, did not necessitate any roads, or thought of easy grades.

Portions of trails have been worn down in solid rock by ages of traffic, especially so as seen in sandstone or granite hill slopes, notably apparent to the casual observer on the lower slopes of Saw Tooth mountain in the Cochetopa range, where Indian trails have cut down deep ruts which water courses have followed, and carved groovings like the curves of a gigantic "rabbit plane" run by the "mills of God."

### HOW INDIANS RECKONED TIME

The moon can consistently be called the Indian's calendar. He reckoned time by its changes, and long before the white man came to America the red man had a pretty clear idea of a month of time. The moon goes through four changes in four weeks. From full moon around to full moon again is therefore nearly one month, or as the Indians call it, one moon.

After all, the English word "month" means moon, and is derived from that word. But the Indian named his month of moons from the things that most appealed to him—the weather, the plants, the hunt, etc. Here are names by which they know them:

January—The Cold Moon.
February—The Snow Moon.
March—The Green Moon.
April—The Moon of Plants.
May—The Moon of Flowers.
June—The Hot Moon.
July—The Moon of the Deer.
August—The Trout Moon.
September—The Fruit Moon.
October—The Traveling Moon.
November—The Beaver Moon.
December—The Hunting Moon.

All Indian tribes did not have the same name for the same month, however, as it varied according to the occupation or locality of each tribe.

### MARRIAGES AND DANCES

The Utes were formerly polygamous, but never to any great extent owing to the equal number of the sexes. The men marry at about eighteen years of age. The women marry from fourteen to sixteen.

Courtship is of short duration. A "brave," after falling in love with a girl, will don his best clothes and feathers, paint his face in the brightest of colors, load himself down with beads and ornaments and frequent the wickiup of the family of his inamorata. He will converse volubly with the girl's relatives, but affect a profound indifference toward her, often not noticing her when she speaks to him. She and her friends understand the significance of these tactics and the man's availability and desirability are discussed.

The girl's parents may endeavor to persuade her from the proposed alliance, but by long established tribal custom the final decision is in her own hands and she may marry to suit herself. If a man believes his suit is looked upon with favor he goes upon a hunt and returns after he has killed a deer. With the body of the deer slung to his horse he rides to the wickiup where dwells the object of his longing, ties his horse to a tree, and goes in, often not noticing the girl. If the girl has decided to reject his suit she pays no attention to him, but if she accepts him she goes out to his horse, waters and feeds it, unstraps the deer and cares for the meat and skin, cooks some of the meat and invites him to partake of it with her, and by so doing she has concluded both the engagement and the marriage, for the two will begin living with each other at once with no further ceremony.

The young couple usually begin married life by living in the wickiup of the bride's mother, but after two or three children are born to them, should they live together so long, they will build a wickiup of their own. As soon as married the man joins the clan of the woman and becomes one of the same people as herself, and the children belong to her clan. In case of divorce the man may return to his own clan, but often does not.

Four dances are numbered in the Ute catalogue, each of which has a sacred or mystic significance, although most of them are indulged in on festival occasions as well. The Dog dance is danced by men only, being a kind of war dance. The Tea dance is danced by men and women and is throughout a species of medicine incantations. The Bear dance is similar to the Sioux dance of the same nature, but by the Sioux is called the Ghost dance. This dance is regarded by the Utes as their most swell affair and is accordingly danced by both men and women. It is invariably conducted out of doors as are the others. The Lame-horse dance is exclusively for women, and like the Bear dance, is performed always within a circular enclosure made of green boughs and raked up together after the manner of building a brush fence.

### CHIEFS OF THE BEAR DANCES

The floor managers of the Bear dances in the days when the "Denver Utes" called the Platte home, were a pair of twins, named Curecanti and Kanneatche. (Twins were a rarity among the Utes for the reason that it is a tribal custom when twins are born to put one of them to death. Where one is a girl and the other a boy, it is the boy only that is allowed to live. Where they are of the same sex the biggest and strongest only is permitted to live. The manner of death is to take them to some secluded place in the forest where they are left to perish from starvation and neglect. The reason of Curecanti's survival was due to his having been stolen from "the tribe" when an infant and was restored to his people after he had grown up. These two, like Ursus and Homo, were fast friends because they were twins, and therefore brothers. They roamed and hunted all over Colorado, slept and ate together and all but got drunk together. Curecanti drew the line there. He who was prohibitive in the matter of "fire water" did not approve of Kanneatches' skirmishes as a "booze fighter" and was also at "outs" with him in the matter of polygamous wives.

The Bear dance of the Utes was attended by the entire tribe and was always elaborately prepared for. It took place in March and lasted four days and nights and was followed by a feast.

Curecanti personally conducted the Denver Utes' Bear dance. Its object was to assist the bears in the mountains to recover from hibernation, to provide food for the living bears and the spirit bears in the "Happy Hunting Grounds," and also to charm the dancers from dangers from bears, besides being a social function winding up with their wedding feasts, which by due appointment were invariably auxiliary features in connection with the annual Bear dances.

As a non-sportive twin brother Curecanti was a sharp contrast to Kanneatche in the matter of wives. In other respects they were as strongly affiliated as the "Siamese twins," for, where one was, there, too, invariably was the other. Although a great dancer, Curecanti didn't cut much ice with the squaws. By reason of this indifference his marriage was put off until late in life, so late, indeed, was it in his case that the leaves of life's autumn foliage began to fall promiscuously about his head ere he took unto himself his "better half."

By virtue of his abstinence and spotless integrity in the matter of wives he was the recipient of many credentials for good behavior from Denvers' citizens. So numerous were the credentials that they filled a good sized leather "bill book." Invariably the form of phraseology in the credentials was to bespeak for the beneficiary kind treatment and hospitality at the homes of the whites, therefore, on meeting with a good looking stranger he would introduce himself by opening up his "letters of marque," charging, at the same time, the unwitting stranger fifty cents for the privilege of investigating his private character. By a parity of reasoning, too, he always claimed "carte blanche" on transportation for both of them on all railroads.

His antipodal shadow, Kanneatche, one day unfortunately broke loose from the watchful Curecanti's moorings and straggled into the office of the Rocky Mountain Herald. Some of the printers, aware of the Indian fondness for finery, presented him with an ancient plug hat which had formerly graced the classic brow of O. J. Goldrick, the proprietor of the paper. On the sides of the hat, where our grandfathers wore their cockades, was pasted a large red label with the words, "Superior Cocktail Bitters" printed thereon in letters of gold. He was instructed how to give the venerable tile the stunning tilt over the left eye usually affected by prize fighters and men about town. For several days he paraded the streets to the extreme amusement of the pale-faces, the admiration of the squaws and the envy of his brother bucks.

On the death of Kanneatche, a few years later, the aforesaid plug hat descended by natural gravitation into the possession of Curecanti, who claimed it by virtue of being elected chief of a clan among his people, the Southern Utes, of whom Ignacio is still head chief.

By the Indians Curecanti was universally regarded as a crank, and by the whites as an oddity. He did the honors as proprietor of the "hops" of the Southern Utes (who still maintain their old tribal customs) till ten years later, when he, too, died.

"No marble shaft the stranger points,
To where he lies below,"

but a tremendous pile of granite created by Nature in the form of an obelisk or needle was named after him by the Denver & Rio Grande Railway, and perpetuates his memory in the Black Cañon of the Gunnison.

### BIG MEDICINE

An important but dangerous position among the Utes (Southern Utes) is that of chief medicine man. He is assisted by several other "pills," but they use very little medicine, healing by magic called "pokantee." The healer procures his magic from dead Indians who visit him at night from the Happy Hunting Grounds, where he goes when he is in trances, and from eagles, bears and various birds and other animals.

When a man establishes a reputation as a magician he is believed in implicitly, and many fees of blankets and horses are paid to him for his services. If ever a hint or suspicion is raised that the medicine man is a "quack," as for instance, he fails to make good his word after contracting to cure "his case," his life must pay the forfeit.

### RELIGIOUS BELIEFS

The religion of the Utes is a composite of sun worship and Mexican mythology in which their Chief God lives in the sun, while a host of smaller gods rule the earth.

All good Indians go to the sun when they die. There they behold the Great Spirit who lives in the sun.

There is a God of War, a God of Peace, and a God of blood who heals the sick. Next, and in the order named, comes a God of Thunder and Lightning and a God of floods. All of these represent in their union the power of the Great Spirit in one combination on earth, but still subordinate to the Great Spirit of the sun.

These lesser gods form a union of spirits and it is believed that through this union the Great Spirit breathes out his love for all the Indians whom he desires should become mighty hunters and brave warriors. While they believe in a future life, yet they do not believe in a future punishment. As soon as an Indian dies it is believed that his spirit goes straight to the Happy Hunting Grounds, a fair land in the skies where there is no death; where there are towering mountains, broad forests, grassy plains, and rivers of sweet waters that flow on undimished forever. In this Happy Hunting Ground each tribe of Indians has its own land, and when an Indian dies he dwells among his own people. In this blessed land there is no sickness. The men are all strong and the women all beautiful, the horses are all fleet, and existence is one long, happy, endless round of hunting, feasting, dancing and merry making.

The Indians who have been in trances tell of this happy land, a strange thing being that all give the same description. It is implicitly believed in, and every Indian, no matter what his life may have been, believes that he will go there as soon as he dies. Because of this implicit belief, no Indian fears death and none are cowards.

# CHAPTER XXXI

## *The Colorado River Basin, a Region of Vast Economic and International Importance*

THERE is no more interesting river in the world than the Colorado. Industrially, scientifically and geographically, it presents more diverse conditions than any other stream in the United States. From the crest of the Rocky Mountains in Colorado and Wyoming it sweeps across the intervening country, traversing parts of Utah, New Mexico, Arizona and Nevada, to the head of the Gulf of California, the area drained being about 300,000 square miles. In the Rocky Mountain region it flows through a region covered by eternal snows and waters some of the most fertile and valuable agricultural lands in Western Colorado, Northwestern New Mexico and Eastern Utah. It traverses the famous Grand Cañon of the Colorado, in the northern part of Arizona, and finally passes over the broad, flat plains above the head of the Gulf of California. In this lower region the river resembles the Nile, having floods whose silt enriches a valley second only to that of Northern Africa.

The Colorado and its tributaries have other values than that of irrigation, for, descending in steep channels, they present abundant opportunities for the development of water power. Power has been developed at a few points, but the resources of the Colorado basin in this respect are practically untouched.

In a basin so liberally provided with natural resources it is a fundamental necessity, in planning for the utilization of the river, to ascertain the amount of water available in the main stream and its principal tributaries so that future developments as well as those now under construction can be suitably designed in type and capacity.

For a long period of years the United States Geological Survey has been making observations and measurements at a great many points in the Colorado basin, and the latest published information on the subject is contained in Water Supply Paper 269 of the Survey, which is a progress report of the river-flow measurements in the basin for the year 1909. In this report are recorded observations at 179 stations, covering Grand River and tributaries in Colorado; Green River and tributaries in Utah, Colorado and Wyoming; the San Juan basin in Northwestern New Mexico; the Little Colorado River basin in Colorado; the Gila River basin in Arizona, and finally the discharge near the mouth of the main stream at Yuma, Arizona. These records are not only of local value for guiding economic development, but they have an international significance in connection with the difficulties that have been encountered in the control of the Colorado River near its mouth in Mexican territory. The escape of the river from its regular channel and its diversion into the Salton Sea are matters of recent history, and the consequences of a diversion of this kind which promises to inundate some of the most fertile country in Southern California have been discussed in the public press.

The control of the Colorado for the prevention of further outbreaks must involve thorough knowledge of the tributary flow even in the high regions of its head waters in Colorado, and the ultimate steps taken to prevent disastrous inundation will in all probability involve control of these upland tributaries.

The size of the Colorado River is indicated by its total discharge in the year 1909, which was 26,000,000 acre feet, or enough water to cover that number of acres to the depth of one foot. Such an amount of water if poured on the Manhattan borough of the City of New York and confined by retaining walls would bury the city 1,857 feet deep, or would make a lake 66 feet deep over the state of Delaware.

### HELL ON EARTH

**NOTE—The following lines were read at the last meeting of the Irrigation Congress of the Western Slope by one of the members of Denver's Chamber of Commerce. They were originally composed by a noted California poet as a slam at the admission into the Union of Arizona and New Mexico under joint statehood:**

"The devil in hell, we're told was chained,  
And a thousand years he there remained.  
He neither complained nor did he groan,  
But determined to start a hell of his own  
Where he could torment the souls of men  
Without being chained in a prison cell,  
So he asked the Lord if he had on hand  
Anything left when he made the land.  
The Lord said 'Yes, I had plenty on hand,  
But I left it down on the Rio Grande.  
The fact is, old boy, the stuff is so poor  
I don't think you can use it in hell any more.'  
But the devil went down to look at the truck  
And said if he took it as a gift he was stuck,  
For after examining it carefully and well,  
He concluded the place was too dry for a hell;  
So in order to get it off his hands  
The Lord promised the devil to water the lands  
For he had some water, or rather some dregs,  
A regular cathartic and smelled like bad eggs,  
Hence the trade was closed, the deed was given,  
And the Lord went back to his home in Heaven.

The devil said to himself, 'I've all that is needed
To make a good hell," and hence he succeeded.
He began to put thorns on all the trees
And mixed up the sand with millions of fleas.
He scattered tarantulas along all the roads,
Put thorns on the cactus and horns on the toads,
He lengthened the horns on the Texas steers
And put an addition on the rabbits' ears,
He put a little devil in the bronco steed,
And poisoned the feet of the centipede.
The rattle snake bites you, the scorpion stings,
The mosquito delights you with his buzzing wings,
The sand burrs prevail, and so do the ants,
And those who sit down need soles on their pants.
The devil then said that through the land
He'd manage to keep up the devil's own brand
And all would be mavericks unless they bore
Marks of scratches and bites and thorns by the score.
The heat in the summer is a hundred and ten,
Too hot for the devil and too hot for men,
The wild boar roams through the black chapparell,
'Tis a hell of a place he has for a hell."

# CHAPTER XXXII

## *Early Government Exploration and Early Spanish Occupation, Settlement and Colonization*

IN 1872 the writer accompanied "as cook" a government exploring party mainly consisting of a "pack train" of agency employees to go through the reservation purposely to investigate its grazing and possible agriculture, and incidentally to place a monument in a conspicuous place telling where Indian reservation left off and public domain commenced. The governor of Colorado, Hon. Edward M. McCook, sent the territorial surveyor along with us to assist General Adams in finding the 107th meridian and 38th parallel. Already the Government had the San Juan treaty in contemplation, viz., the treaty of 1873, but it did not meet with the full approval of the Indians that year, and was postponed, and thereafter was not consummated till the summer of 1874. In the succeeding winter being ratified by Congress, the agency, as we have seen, was not moved till the succeeding summer of 1875. The proverbially slow Government methods were always in evidence.

Our party of exploration numbered five white men and ten Indians, including Ouray and Sapinero. General Adams personally conducted the whole outfit. We were to go as far as the Uncompahgre Hot Springs, there make a camp and then establish the monument, which monument at Ouray's dictation was to define the limits of their valley lands on the south, the line of which we afterward found to be the parallel of 38 degrees, 55 minutes.

This service was all that was required of us, after which we were to return to Los Pinos agency (which in 1872 was in the Cochetopa hills). Its consummation required two weeks. A mention of the above landmark, or monument, is given in the chapter devoted to the limits of the "Four Mile Strip" and referred to as being about a mile north of the present town of Portland. Afterwards this point was directed to the attention of certain "squatters" by Major Wheeler, but they either could not, or would not, listen to its meaning.

From our Indian escorts we learned the names of the various creeks between Los Pinos agency and the Uncompahgre with the sole exception of Cedar Creek, which we skipped in order to make a short cut to the Park by taking the "Cimarron divide," high up near the mountains.

Near Pine Creek we camped under some quaking aspen trees, which bore such historic names as A. J. Cain and Fred Lottis carved into their bark, "A. D.," "1859" and "1861."

At the mouth of Dallas Creek we came across indications of a prospector's camp ground in various relics, which same must have belonged to Colonel Baker's party that passed this way in 1859. The old camp ground had the appearance of having been put on the defensive, for there was a ditch leading from the creek (Dallas) to a circular enclosure of earth works where wagons had been corraled. There were fragments of an old cane bottomed chair, the soles of what had been heavy boots, a portion of an old ox yoke (black walnut) with hickory bows to match. Fire had evidently invaded the camp for there were charred remains of wagon wheels. Several old hubs (not entirely burned) exhibited the "slot" in the thimble for the old-fashioned "lynch pin" to hold on the wheels, all of which went to show that the aforesaid wagons probably belonged, if not to Baker's, then to some other outfit in the early "fifties" or "sixties," inasmuch as that style of wagons ceased to be manufactured subsequently to the year 1850.

Above there and at the junction of Coal Creek with the Uncompahgre, in the vicinity of what is now Piedmont station on the Denver & Rio Grande Railroad, we discovered five small heaps of building stones just far enough apart to indicate that they were probably the remains of that many chimneys to cabins, in all human probability connecting links in keeping with the Dallas camp. In the year 1876 Gordon Kimball, the pioneer hardware merchant of Ouray, camped at Dallas Creek and there discovered what we had overlooked in 1872, which same had the appearance of being a grave, but which proved upon investigation to have been an old wagon bed turned upside down and covered with a light coating of earth under which was a miscellaneous collection of old iron, steel drills, hammers, bars, blacksmith's tongs, and so forth. Old steel then being considered a valuable asset on account of exorbitant freight rates, Mr. Kimball very prudently "cribbed" the same and transported it to his store at Ouray.

In excavating for a cellar at his residence, he discovered an old silver coin of Spanish mintage belonging to the 16th century.

The above discoveries are thus minutely adverted to for the reason that they have a bearing upon contemporaneous expeditions that likewise visited the Gunnison country in the "fifties."

# CHAPTER XXXIII

## *Early Settlements in Delta County*

IN the year 1776 a Spanish expedition went northward from Santa Fe, New Mexico, in search of gold.

In the party were two priests named Santa Escalante and Santa Dominguez. Between what is now Delta and Montrose they crossed a river which the Indians called Uncompahgre, meaning "red springs water," probably named from the red oxide of iron peculiar to some of its sources around Ouray and on one of its tributaries at Red Mountains, nine miles south of Ouray. From the above crossing place they directed their course northeast till they came to the lower Gunnison Cañon, about eight miles east of Delta. On the walls of this cañon they made the sign of a cross and two shields. South of Delta, on the walls of Escalante Cañon, are some Indian paint workings representing a caravan on the march. These paintings are likewise of great antiquity, as Kit Carson mentioned them on his first expedition to California.

At the mouth of Leroux Creek, near what is now Hotchkiss, they turned northward, crossing Grand Mesa near the head waters of the Big Muddy. Passing down into Grand Valley, they followed along the Book cliffs into Utah; from thence they returned to the Settlement of Santa Fe, in New Mexico, through a grand cañon in Delta County, by way of Mancos and Dolores, the river of tears.

That very accurate historian, Herbert Howe Bancroft, mentions the above expeditions of Santa Escalante and Santa Dominguez in describing early Spanish explorations north of where Montrose now stands.

Previously no other historian had been developed on the Western Slope to trace and minutely describe with such conscientious exactitude as he, all exploring expeditions, emigrant routes and migrations with other features and facts so voluminously recorded up to that time of the Eastern Slope.

A land, parts of which were one inhabited by a civilized race that reaches back into the past no one knows how long. (The cliff dwellers and canal builders). A land tracked and trailed by gold seekers and trappers since 1805.

The events and results of those early day explorations, both Spanish and American, and their occupancy of both the desert and the wilderness, forms today one of the most romantic chapters in Western Slope history.

Government records tell us that Captain J. W. Gunnison, for whom the Gunnison river, city and county were named, explored and mapped this region in 1853. He was on an expedition ordered by Jefferson Davis, the Secretary of War, to discover a wagon route from the Missouri to the Pacific. He was killed at Sevier Lake, in Utah, and Lieutenant E. G. Beckwith completed it.

In May, 1861, Fred Lottis crossed to the Western Slope and spent a portion of the ensuing summer on a stream that now bears his name. Later in the season he explored the outskirts of Union Park, where he made the first discovery of gold. He used a tin cup with which to wash the gold in the absence of a pan, hence the Tin Cup District in Gunnison County was so called on that account. A party of prospectors was ambushed that year by the Utes (renegades) and after a three days' battle all were killed. Their wagons and equipment were subsequently found in what was afterwards called Dead Man's Gulch in the present Tin Cup mining district.

In 1870 Benjamin Graham and a party of explorers went into the Ute reservation, building a log fort on Rock Creek. They were driven out by Indians that year, but returned in 1874.

In that year the town of Gunnison (then called the Richardson colony) was started. Six years subsequently the present town of Gunnison was commenced, its location being about a mile east of the site of the old colony. That year, however, it was temporarily abandoned for Lake City, which drew unto itself all the mining excitements during the four succeeding years, after which Gunnison recovered from its lethargy and became thenceforward the scene of intermittent booms that reached down into "the eighties."

# CHAPTER XXXIV

## *Coronado and Other Spanish Explorers*

THE first colonial war within the present boundaries of the United States was not, as many people imagine, fought in New England, but between the early Spanish explorers and the Indians in these Western mountains.

The men who made the early history of Colorado and New Mexico were far more adventurous than the Pilgrims who were driven from home and the Dutch who sailed up the Hudson. It took our forefathers one whole century to traverse the distance between the Atlantic Ocean and the Allegheny mountains, while in two years Coronado traveled from Mexico to Colorado, and from Colorado to the Mississippi River and back again over country the extent of which he had no idea, and when he climbed a mountain he never knew what to expect on the other side.

The ideas of the early explorers of the contour of the country, ash shown by their maps, were remarkable for their inaccuracies and not to be compared with those at the service of the African explorer who has a complete and accurate map of the land.

Rumors and some previous travelers gave glowing accounts of seven rich cities north of Mexico where there were whole streets of goldsmiths and the doors of their houses were studded with emeralds. These rumors lured the gay but poor cavaliers of Spain to come to America and to join Coronado, who was going to search for the gold. Coronado was a man of wealth and high standing and when he made known his intentions of starting on a trip of exploration, a troop of four hundred men, forming the most brilliant army ever raised in the New World, and eight hundred Indians, started with him in the early part of January, 1540.

The expedition is vividly painted on the drop-curtains of the Denver Auditorium.

Before the expedition departed each man swore not to abandon the general, but difficulties began early. A large amount of baggage had to be abandoned and finally Coronado, with a small division, left the main body and pushed on. A city was discovered at the Gran Quivera, in the southern part of New Mexico, but instead of riches they found a deserted village. Then long stretches of desert had to be traversed, hostile Indians had to be fought, and then occurred the first colonial war. Coronado still pushed on, the Colorado River was discovered and a native found who told them of lands of enormous wealth near a great river to the east. This story caused them to change their route, but after a long trip and the discovery of no riches they returned worn out and in a terrible condition. Re-enforcements arrived and early the next spring, as they were preparing to start again and were holding a festival day, Coronado was running his horse in a ring when the girth on his saddle broke. He was thrown to the ground and kicked on the head by the horse. This stopped the advance of the expedition, discouragement took the place of enthusiasm, and after a consultation it was decided to abandon the trip and return to Mexico. When Coronado reached Mexico he had about one hundred men left. All the others had deserted him. He was coldly received, lost his reputation and was shortly afterward deprived of his governorship.

The ironic destiny that hovered over the movements of Coronado laid no deterrent hand on successive expeditions. All through the succeeding years following the footsteps of Coronado we find the same intrepedity, the same faith and force of character that characterized him. They sought fields of gold "neath skies of perpetual summer." Nothing seemed to discourage them or dissuade the next party from trying the same thing over again. Their brushes with the mountain Indians were just as frequent and results just as discouraging; but never repining over past mistakes, they were always ready for a new expedition and likewise resigned to abide by its consequences.

From 1600 till about the time of the American Revolution the Spaniards had little settlements scattered over the Southwest, occupied chiefly by a pastoral and agricultural people.

Numerous prospecting expeditions between the above dates roved through and over the western watershed. In the year 1761 Juan Rivera led such a party through the San Juan country, penetrating to the head waters of the Gunnison, thence over Cochetopa pass back to Santa Fe. They found gold in several streams on the expedition. Old placer workings in Taylor Park, at the head of one branch of the Gunnison, were more than likely some of their work.

Sixteen years after this the expeditions under Escalante and Dominguez, already alluded to, were led by one of Rivera's guides southwestwardly back to Santa Fe. Their object was to locate a route to California, but getting out of provisions, they returned, as we have seen, to New Mexico.

A tradition exists that the beautiful seven-riven-jasper sparingly used on interior decoration in the Cathedral of the City of Mexico, was mined somewhere on Saw Tooth Mountain, on the west side of Cochetopa pass, one hundred and forty years ago, probably by

Rivera's men, and transported over Cochetopa pass and down the Rio Grande to Mexico.

If a fact, which there is no reason to doubt, they must have carefully covered up or obliterated all traces of the vein it came from. This, reasoning from Spanish nature, they would likely do to prevent its use on any other edifice in the New World but this one cherished masterpiece of their architecture. A few old prospectors who know of this tradition have hunted in vain for the place.

Summing up the part the Spaniards played in this section of our state and nation, ever in quest of the great-magnet, gold, which drew from them some of the greatest achievements in exploring that have ever been recorded in the history of any people. Bold, daring and original in their plans and movements. Cutting loose from an attenuated base of supplies, and swinging off and out into an unknown country, they originated Sherman's strategy of cutting loose from a base, two centuries before he was born. Savages they met, and savages they fought with a contemptuous indifference for far superior numbers and choice of strong positions. Cut off by fifteen hundred miles from the coast and communication with home, traversing scorched plains and climbing over mountain passes showed their indomitable will power and endurance. They had the Anglo-Saxon colonist's perseverance and tenacity of purpose without his profuse lamentations and complaints on meeting with reverses. They took reverses and defeat with stoical indifference and silent acquiescence that challenges our admiration and respect.

That they explored and mapped out the best routes over mountain passes, made trails that were subsequently followed by the later American occupants and explorers there is no question.

It is very evident that the Gunnison, the Grand and the Green originally bore Spanish names. They have left an indelible imprint on this part of our state and country in the names of the mountain ranges, rivers, streams and other physical features. That they left no permanent occupation of the country strong enough to shape and mould a state was the fault of another country, not theirs.

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NOTE—Before De Soto's wanderings in search for the land of gold ended in death and the consignment of his body to the middle of the mighty Mississippi, realizing his end was near, he had appointed Moscoso as the leader of this intrepid little band of wanderers. Moscoso, learning from friendly Indians that strange white men (Coronado) were making war in the far off West, and convinced that these strange white men were Spaniards, resolved to lead his party thither or reach Mexico by another route homeward. Moscoso wandered as far west as Sangre de Cristo mountains and even across them. According to one authority he, or some of his men, had the honor of locating and naming Mosca pass in these mountains, which has come down to the present day as a contraction of his name. The date of this trip was necessarily coeval with De Soto's final downfall, which has been placed in the year 1543. The first authentic exploration, colonization and occupation of San Luis Valley was made during 1598 and the next succeeding few years by Juan de Onate and his subordinates. By the close of the century, or about 1600, Onate and his people found gold near the site of Fort Garland and had thoroughly prospected all streams on both sides of the Continental Divide.

## CHAPTER XXXV

### *Trappers and Gold Seekers*

FROM and before the time of Pike's trip to the Rocky Mountains in 1807, adventurous American trappers had thoroughly explored all the streams and parks on the eastern side of the Continental Divide and a few roving adventurous ones had even explored the head waters of several streams on the western slope about that date. In the period extending from 1815 to 1845 trappers in plenty had come in contact with western slope Indians at Eastern trading posts and followed their trails back into and across the mountains and plied their vocation on all streams of this slope. More abundant snow fell on the western slope, giving a constant supply of water in all streams the year round and making better trapping. A rich harvest of furs was gathered here for over three decades.

It was from these trappers who marketed their peltries at Bent's Fort and other trading posts between that point and St. Louis that the first emigrants to the Pacific coast gained their knowledge of an open route through the southwest of this state over the Continental Divide at Cochetopa pass.

The interests of trappers in a new country are never of a permanent nature and consequently but few traces of their early occupancy remain.

A trading post erected by Joseph Roubideaux, from St. Louis, about 1839, near the present site of Grand Junction, was the only large post of any note on this slope at that time. But nearly all the streams show evidence of white man's temporary habitation before this date.

"An old cabin in the cañon of Cochetopa Creek, of which no one seems to have any knowledge as to its history was likely built by trappers between 1830 and 1840. It was built of small cottonwood logs, mostly cut by beaver, and fitted up inside with three single bunks, all showing evidence of extreme age as early as 1870.

"Lower down the stream, and a short distance from a fording place on an old Indian trail, is a small mesa close to its banks, about two hundred and fifty yards long by one hundred yards wide. Parallel to the stream were two straight lines of charcoal remains of camp fires at regular distances apart, with burnt rocks like what might have been used to place pots and kettles on for cooking, and from six inches to a foot under the surface when plowed up. Judging from the depth under ground on a level mesa, their age must have antedated the American occupancy of the country. The precision of spacing would indicate a soldiers' camp or men of soldier's training. Therefore it is plausible that the camp dated back to some Spanish expedition.

"A rude fort, built on a high timbered point near the dividing ridge of Needle and Razor creeks, small tributary streams of Tomichi Creek, from the south side, bore signs of a desperate conflict between white trappers or gold seekers and probably Indians. The fort was built mostly of hastily laid stone capped by a few logs, with a few sentinel outposts just large enough to hold one man each, also made of stone. Lead from bullets spattered the stone walls and many bullets were imbedded in the logs. Pieces of a broken knife and several other relics have been found inside the fort. Bullets taken from the logs were of old fashioned round form and every calibre.

"The besieged doubtless won in defending the fort, only to be afterwards mercilessly slaughtered by their waiting foes, maddened by the loss inflicted on them at the siege. This fort showed signs of extreme age when first seen by the writer, in 1872. Old rotten flumes used in placer mining and dug or hollowed out of white pine logs were to be seen in Hot Springs valley, Gunnison County, in "the seventies." The tires and irons of a burnt wagon, and parts of two human skeletons in No Name Gulch, and many other grim, silent reminders of past encounters, were found by early settlers to the slope.

"Whether American gold seekers invaded the Western Slope before 1849 is hard to determine, but it is fair to conjecture that trappers and hunters were undoubtedly acquainted with the signs of placer mining left by Spaniards on several streams on this slope; and it is also fair to suppose that they took no advantage of this knowledge to spread any such reports or even try for the precious metal themselves. Both Snow Blind Gulch, on Upper Tomichi Creek, and Washington Gulch, in the northern part of Gunnison County, were placer mined by Western Slope pioneers in 1861, one of whom informed the writer that both places bore evidence of having been worked long before that time.

"In passing up Washington Gulch in the summer of 1871 the writer saw a dozen or more old tumble down abandoned cabins near the placer workings and was much impressed at seeing tree stumps from eight to twelve feet high, the trees evidently having been cut on top of the snow in some very hard winter, probably 1849.

"The Indians, as a rule, were patient and forbearing with parties of gold seekers whom they considered trespassers in their country. They would sometimes escort them to a mountain pass, significantly point eastward, and say, 'Go.' A party thus conducted out generally took the hint and stayed out.

"A pioneer of this slope says [†]Cochetopa is an Indian name meaning pearl. Surely the Indian that named the stream was a poet. Its pure crystal waters, tumbling, dashing and splashing over its bouldery bed—a more beautiful mountain stream never sped seaward."[*]

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[†] Not topaz, or mountain pearl. The origin of the above name is as follows: A pioneer prospector in an older time found some *agates* on this "pass," and, showing them to his Indian guide, remarked that they were topaz (but they were only a "smoky topaz"), to which fact the Indian called his attention by holding them up to the sunlight and affirming, as he did so, "kotch topaz," "kotch" meaning in Ute, "no" or "not"—hence the name "Cotch-e-topa."

[*] The paragraphs in this chapter marked as quoted are to be credited to the Gunnison "News-Champion," from the pen of E. A. Mitchell.

*

ote by the author:

The proper explanation of the erm "Cochetopa" as given by that very ccurate Colorado historian, J. B. Smiley, s as follows:

> "Inasmuch as the lowest gap in the Rocky Mountain system is Cochetopa Pass, it was therefore adopted by the Utes in their annual tour across the Continental Divide, on account of its comparative freedom from drifting snow in winter.
>
> The Utes have always been mountain dwellers, and by that same token, they have always traveled "Cochetopa Pass" for it was their natural gate or gateway to the mountains, going and coming."

t is a double syllabled word, to-wit: Coche" meaning "gate" and "Topa" meaning ountains." Hence, Gate or Gateway to he Mountains."

Sidney Jocknick

eference:

J. B. Smiley,
Secretary Colorado Historical Society.

# CHAPTER XXXVI

## *"Time and Tide," or the Southern Utes*

ALL through the countless ages of the past the Western Slope has ever been the favorite camping ground of the Allied Utes. In union was their strength. Originally the Ute nation was called "the Snakes," and in that olden time they inhabited the territory watered by the Snake River in Idaho and also lived in portions of what is now Montana.

They who survive in Southwestern Colorado are but a small remnant of what the tribe was only a decade ago.

They are of interest as a people of today who live according to the customs of their savage ancestors of a thousand years ago. Utes of old time thoughts, habits and desires, but hedged in by the mighty power of the all conquering whites who compel them to lead different lives from that of the free, wild, olden time.

In later years, when the "prairie schooner" hiked over the plains of Colorado, in the epoch when their reservation embraced both sides of the range, and was larger in area than some of our eastern states, Chief Ouray intuitively recognized that, ere long, the Great Divide would become "the parting of the ways," so to speak, when the Utes would be crowded over the crest of the continent onto the Western Slope. For him the Western Slope was a twisted perspective crowding the Utes up between two prospective states, Colorado on one side and Utah on the other, where eventually they would be hemmed in by civilization with no hopes for the future except to accommodate themselves to civilized ways.

There are many who despise the Indian because he does not take readily to the ways of modern civilization. To the writer's mind this is unwarranted and unjust. The Indian of today is the logical product of centuries spent in barbaric freedom in a country so abundant with game and fish and berries and nuts that but the slightest efforts were necessary to the support of life. There was no necessity for toil; hence no tendency toward industry was developed. There was not the slightest intimation to them that a more enlightened people would some day usurp their vast hunting ground and their food supply. The furthest reach of their imagination fancied nothing but a continuation of their easy, happy and contented life. Their highest ambition was to excel in the hunt and the fight, and to endure the most terrible hardships and suffering with the least complaint. Less than two score of years have passed since the Indian became seriously affected by the encroachment of the whites. Not until then did he begin to realize that a new order of things was developing around him, and not until then was he impressed with the seriousness of his situation. Is it reasonable to suppose that the work of centuries can be undone in a generation or two? What would have been the result if, in the days of the Indians' prime, the white man had been suddenly deprived of everything which pertained to his mode of living and had found himself obliged to adapt his mode of living to that of the Indian, with the Indian's equipment maintain his existence by contesting with him in the war and the chase? No one will deny that in such a contest he would have proved an utter failure. Yet it is quite as unreasonable to expect the Indian to readily abandon his hereditary mode of living, equip himself with the implements of our modern civilization, and successfully compete with us in a struggle in which we have been engaged for ages past.

# CHAPTER XXXVII

## *Olathe*

IN 1881, immediately following the opening of the Indian reservation in this valley, the first farming was done in the district surrounding Olathe. The town was then called *Colorow, a name in which the early settlers unwittingly did honor to an old reprobate of an Indian whose reputation was such that he was unworthy of this honor. Latter day settlers, on learning this, had the name changed to Olathe. No doubt they were Kansas emigrants who did this christening, and by that token they saw in the general aspect of the country hereabouts various points of resemblance to its prototype in Kansas.

Many hardships and obstacles had to be overcome by those settlers, for they were inexperienced in farming by irrigation; the land must be cleared, markets were limited and difficult of access and provisions and supplies of all kinds were expensive.

The advent of the D. & R. G. railroad in the year 1882 gave a new impetus to industry throughout the valley. A little later a postoffice was established, the building used for the purpose being a small log cabin which still stands in the district, a sharp contrast to the modern brick structures which now comprise the town.

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*Colorow was a Comanche Indian (a tribe of horse thieves). He joined the Utes for the sake of the easy living that he thought he could make off of them.

It was near the site of this old postoffice that a band of Ute Indians under Colorow tried to run a bluff on Gen. McKenzie, who had charge of their removal to Utah.

Tributary to Olathe, above the river bottoms, are vast stretches of mesa lands known as Ash Mesa, California Mesa and East Mesa, all of which are included in the Uncompahgre irrigation project.

The district known as East Mesa, which stretches for ten miles along the east side of the valley, while not at present so thickly populated as the district on the west side, comprises within its boundaries some of the finest farms in the entire valley. The district is very large and fertile, the soil consisting mainly of the gray adobe land, mixed sufficiently with sand to make it easily worked. Fruit thrives and produces heavily on these lands, but the crops which make the district famous as an agricultural region are grain, hay and sugar beets. Some of the finest yields of grain ever obtained in the state have been grown on this mesa.

The town of Olathe is situated on the Denver & Rio Grande railroad, 364 miles from Denver, and midway between Montrose and Delta. It is at present a thriving town of 800 and is destined within the next few years to become one of the most important little cities on the Western Slope.

The people are progressive and public spirited and the citizens maintain a chamber of commerce, a band and other organizations of a public nature. The schools and churches are also a matter of pride to the town.

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Twelve miles north of Olathe, and at the junction of the Uncompahgre and Gunnison rivers, lies the town of Delta. To describe its agricultural resources would only be to reiterate what has already been said about Olathe and Montrose. Tributary to Delta is the North Fork country and the towns of Hotchkiss, Paonia and Maher, all of which are within the watershed of the main Gunnison, and the same which are all on a branch line of the Denver & Rio Grande railroad.

# CHAPTER XXXVIII*

## *The Moffat Railroad—Forest Reserves—Signal Service and Oil Lands*

AS the proposition to construct the so-called Moffat tunnel looms large on Denver's western horizon, it harks me back over forty years to an incident directly connected with that enterprise.

In the late summer of 1869 there came to Central City Giles F. Filley of St. Louis, a member of the board of directors of the old Kansas Pacific, which was then poking its nose into the territory of Colorado. While there he suggested a desire to make a trip to James Peak. I secured a livery rig, and we drove out over a wood road, which led through the timber which skirted the base of the mountain, and then made our way on foot to the summit.

When Filley stood on the mountain top in that rare atmosphere, and beheld Middle Park and the Frazier, seemingly so near, and yet so far, "sloping slowly to the west," while to the east his eye rested on South Boulder's mammoth gulch, that had eaten its way into the very base of the mountain, suggested a possible gateway for his road, or that the idea was preconceived, I cannot answer. But on his return to Denver he wrote, requesting me to secure the services of a competent surveyor, and have a preliminary survey made with a profile map showing the approximate length of tunneling, dependent on practicable roadbed approaches. I employed a surveyor by the name of Major Hill—many of the old-timers will remember him—and he made the survey and furnished the profile map, which I sent to Filley.

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*Written for the "Rocky Mountain News."

That was forty-four years ago. The "Queen City of the Plains" was, as it were, in her rompers, having only a permanent population of something like 5,000, but I have little doubt that if the proposition had been put to her with proper guarantees she would have exploited it for all there was in it. Denver had some men with big ideas, and there was a heap big railroad talk in those days, so much so, I remember, that it excited the ridicule of the Pueblo paper, which displayed a cartoon on its front page, representing Denver as a tarantula, the legs serving as proposed railroad lines, seeking and clamoring for terminal rights in the city, little dreaming that his sarcastic prophecy would come true.

By Gordon Kimball, Ouray, Colo.

# CHAPTER XXXIX

## *The Forest Reserves**

TWENTY years ago, when the Government began to set aside great stretches of forest, there was no way to use them without breaking the law. In that day they were called forest reserves; and they were, in fact, reserved against all use. There was no provision of law under which the timber could be cut or the gold and the coal mined. Cattle and sheep grazed here and there in the forests, but they had no legal right there. Means of protecting the reserves were about as completely lacking as provisions for their use. The reserves were what their name implied, and nothing more.

This was a condition that could not last. Public attention was called to it; and nearly sixteen years ago a law was passed that not only provided for their protection, but opened all the resources of the reserves to use. Even the passage of this law, however, did not lead at once to using the resources of the public forests. But when, in 1905, the forest reserves were transferred bodies of privately owned timber land, which lie between some of the Government timber and the markets, is either put under forest management or is substantially exhausted.

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*Extract from a lecture by Hon. Gifford Pinchot, delivered in Montrose, Colorado, February 1, 1911, and printed in "Saturday Evening Post," Philadelphia, Pa.

There is yet no timber famine in America, but the years are coming when the national forests alone will stand between the American people and great timber monopolies. Meantime the value of stumpage will continue to rise until the price of a grown tree is equal to the cost of growing it.

We have wasted our timber by reckless overproduction and, as a nation, we shall have to pay for it.

### LOOKING GLASS SIGNALS

Early experiments in wireless telegraphy before the days of Marconi's invention

In 1894 a message was flashed 183 miles from Uncompahgre Peak, Colorado, to Mount Ellen, in Utah, by Captain Glassford, of the United States Signal Corps, a record on the heliograph that stood unsurpassed till wireless telegraphy was invented.

Subsequently Captain Glassford performed similar feats across the deserts of Utah, and thence across those of Nevada, then over and across Death Valley to strategic points in Southern California.

This system of military telegraphing, i. e., by interrupting a beam of sunlight, and directing it upon a receiving station, reached a high state of perfection in South Africa, where it was impossible to connect different points by wire. Previously, the British army on the Soudan, and in the Ashantee war, where the whole country was treeless, had their wires strung in extension, or on other poles, carried along for the purpose, or, at a pinch, they were laid directly on the ground. In timbered sections, of course, all signalling was done by means of the flag or torch, after the manner that was practiced during our Civil war.

In the light of the Marconi system, supplemented by the wireless telephone, the heliograph system of twenty years ago looks crude and primitive by comparison.

The object of these experiments by Captain Glassford, as already intimated, were purely military, and designed for the Indian service.

Two years ago the fact that our Government thought it prudent to remove gold to the amount of $370,000,000 from San Francisco to the Denver mint might be considered significant of what was then thought in Washington about the possibility of war with Japan. In this latter event the long neglected heliograph might again become of service on our Western frontier. * * * On the other hand, it is a long march from the Pacific coast to Denver, situated at the eastern base of the Rocky Mountains; and an invading army which might take possession of San Francisco would perish miserably in the deserts of Nevada and Arizona, or, surviving it, would find its path blocked in mountain passes were it to attempt to reach the treasure vaults at the capital of Colorado.

The peculiar merits of the heliograph are recognized in its cheapness and simplicity of construction, never requiring much repair, and being of light weight, therefore easily transported by pack mule, and ready for instant service.

Whoever visits the Southwest will find in it a region of surprising contrasts—for, side by side with fruitful, cultivated fields, lie the most arid wastes in America.

It is just possible that the "four corners," where Colorado, Utah, New Mexico and Arizona join together, that this desert land district which presents such a formidable barrier against foreign invasion, will, in the near future, become the center of a new oil district, a district that extends one hundred and fifty miles beyond the Colorado River.

That the Standard Oil Company has its prospectors now in the field would seem to give color to this latest oil sensation. Some years ago it was the writer's providence to become mixed up in the Henry Mountain ex-

# APPENDIX

to the Department of Agriculture, the number of users more than doubled in the first year. The next year it nearly doubled again, and so on, until—in 1912—more than eighty thousand permits were issued to use one or another of the natural resources the forests inclose.

Today even the name of forest reserves is discarded, and a new name—national forests—has replaced it, in token of the fact that these great forests belong to all the people, and that every natural resource within their borders is open to reasonable use by the people—every single one, without exception.

When the Forest Service took charge of the national forests one of its greatest problems was how to handle their timber resources for the permanent benefit of the whole people. It would have been quite easy to sell the timber for less than its value in enormous quantities and without proper safeguards against forest destruction. Such a policy, following the line of least resistance, would have pleased many lumbermen and politicians, and would have shown from the start a comfortable balance of revenue over expenditure. But the Service knew that its first care must be clean administration and the perpetuation of the forests. Every timber sale for which it was responsible must be followed by the reproduction of the trees, and the Service must make certain that young forests in the place of old should insure for the future some public supply of timber. No other policy could be adopted with fairness to the American people, and the Forest Service took the hard, but the right way.

It is this attitude of the Forest Service, not alone toward the question of lumber, but toward all other resources as well, which has made it by far the best hated bureau in Washington—best hated by the men whose hatred is the best indorsement. Its refusal to yield to the grabbers of timber, lands, water power, and the rest, has driven the men who live on the plunder of natural resources to advocate turning the national forests over to the Western states.

To these men any change must be a change for the better, for they are facing lean years. The reason their effort to open the natural resources to private plunder has a chance to succeed is because some honest men, for honest but mistaken reasons, are fighting on the wrong side.

Under the wise policy of selling all the timber that could be sold for what it was worth, the total timber sales each year by the Forest Service have grown steadily and rapidly from a very small beginning. During the fiscal year 1912 they reached about eight hundred million feet, while the sales since the first of last July already amount to one billion, six hundred million feet. In time the average annual cut will equal the yearly increase on all the national forests; but not till the vast

Boring for Oil near San Juan River, in Southwestern Colorado citement in Utah, where, at Bluff City, the gold fever raged, but though much work was done and much money spent, nothing ever came of it.

Last year a company was organized at Montrose to prospect at the "four corners" for oil. Oil rock was found, and a large strip of territory was staked and assessments were worked, surveyed and recorded, but none of the workings were bored deep enough to get results in a flow of oil, the object being to first secure the territory and carry on explorations afterwards.

THE END

# KIT CARSON'S TREATY FOR SAN LUIS VALLEY

*Negotiated in 1863, Re-opened in 1867-8, Adopted and Ratified in 1869—New Agency Built in 1869 on a Creek Called the Los Pinos, a Branch of the Cochetopa on Western Slope*

## A BACKWARD LOOK

FROM the foundation of the Government to the present time the management of the original inhabitants of this continent, the Indian, has been a subject of embarrassment and expense, and has been attended with continuous robberies, murders, and wars.

A commission of citizens noted for their wealth and philanthropy, decided to co-operate with the Government without pecuniary compensation, donating their continuous services in the humane cause of the civilization of the wild tribes. This was called the Indian Peace Commission. The efforts of several other Indian associations in the same humane and religious direction are also worthy of high praise.

The Woman's National Indian Association and the New England Indians' Rights Society have opened missions in neglected fields and have assisted deserving Indians in building homes by loans.

With the appointment of these different commissions no other material changes in the general management of Indian affairs were made except occasionally, as for instance, when an Indian agent whose office, by reason of sickness, death or other disaster, became vacant, the Interior Department under such emergencies would sometimes call upon the War Office to detail, temporarily, the nearest commanding officer in that vicinity to act as such agent till the Commissioner of Indian Affairs selected a new incumbent. Occasionally, too, the Commissioner, in selecting Indian agents, would choose them from among those settlers who resided in the vicinity of reservations which was called the "home rule" policy, but (as the Indians' Rights Society pointed out) quoting the words of the commission, "Experience proves that which theory would indicate, that agents who come to Indian agencies from a distance are more ready than those who live near by to give their best efforts to promote the welfare of those whom they are employed to aid."

### *Kit Carson's Treaty With the Utes in 1868*

In the "sixties" the Ute Indians owned nearly the whole of Colorado, the heart of their reservation being then, geographically speaking, at *Conejos, in San Luis Valley.

In the fall of the year 1863, Ouray and a delegation of six other leading chiefs headed by Alexander

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*Pronounced Co-na-hoes.

C. Hunt, afterwards Governor of Colorado Territory, and *ex-officio* Superintendent of Indian Affairs, and Kit Carson, visited Washington at the request of the Interior Department, which wished to induce the Utes for certain considerations, to relinquish their lands in San Luis valley to the United States.

This treaty, which is sometimes called the treaty of 1863, was not consummated, however, in that year, so reluctant were the Utes to part with any portion of their vast domain; but we find that 1867-8 were the years in which negotiations were opened; that in 1868 a treaty was adopted, and that it was ratified in that same year. Thereupon steps were taken to remove the Utes out of San Luis valley, over to the country beyond Cochetopa Pass.

When this removal was launched it appeared that the Governor of Colorado had made all due preparations for it, in theory, if not in practice, by anticipating for it, a location at a point twelve miles from the summit of the pass where the meridian of longitude 107 degrees West of Greenwich intersects the fortieth parallel of north latitude.

Here, then, at Hunt's camp, there assembled in the year 1868, the Tabewatch, Mouache, Capote, Weeminuche, Grand River and Uintah bands of Ute Indians.

When he left Denver for "the western mountains" Hunt was well aware that his work involved some stunts at exploration, for, on this special occasion, it was his avowed intention to discover, west of the pass, a stream that was minus a name (an easy thing to do in that realm of primeval nature), and the next thing to do, which was all important, was to bestow upon said stream the name of Los Pinos.

That finessing of Hunt's apparently gave rise to some squabbling between him and the Governor of New Mexico, the latter accusing him of perpetrating an audacious trick in stealing a name out of New Mexico to apply to an unknown creek in Colorado.

However, this feature of the proposition was simply where the two governors bumped their heads together at Washington, at which interview the Governor of New Mexico claimed that *his country was where the Utes wished to go, for there* was where tall timber grew, and there, also, was a mild winter climate, "the land of the cedar and vine," etc., while, on the other hand, Hunt's location was a "veritable Kamtschatska," facetiously called Los Pinos (the Pines), he added, because there were no pines there.

However, these impedimenta were, to Hunt's mind, too small to talk about, and of no consequence, anyhow, to a nomadic people like the Utes, and, therefore, nonsensical to the authorities at Washington.

Fifteen thousand dollars was the appropriation for building Los Pinos Agency, and a like amount was appropriated for the Northern Agency at White River, but, unfortunately, before the psychological moment for Hunt's innings on contracts had been arrived at, he, for some unexplained reason, was ignominiously "*fired*," and General Edward M. McCook was appointed Governor in his stead.

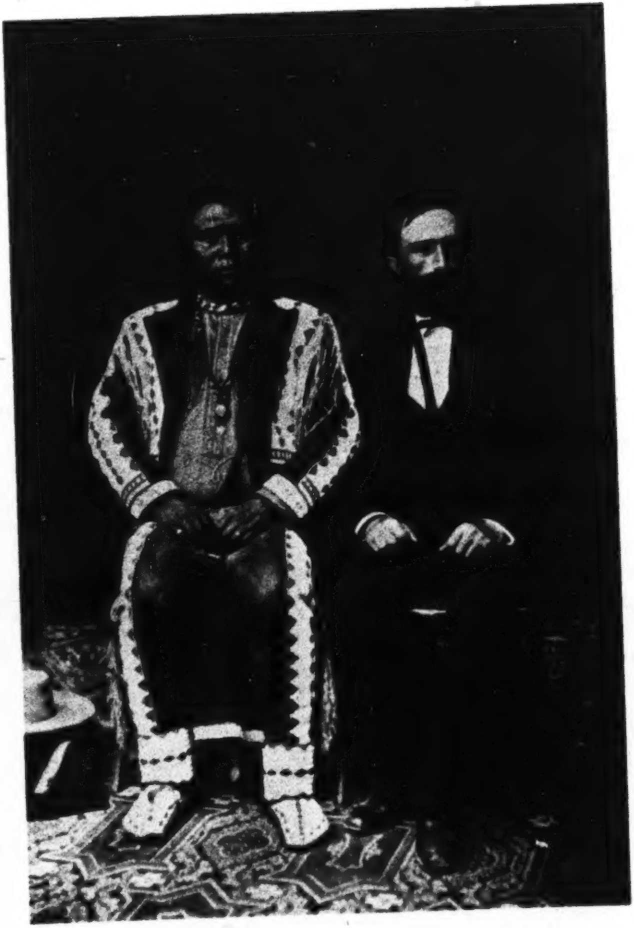
The fact was ostensible that some strong combine was in league against Hunt, otherwise it were a paradox in politics that, after he had successfully countered against the Governor of New Mexico, to be thus robbed of his patrimony; but such is life, and, notwithstanding that there was a tacit understanding with Hunt at Washington that the Ute *pie* in question was to be dispensed equally in the matter of contracts, as per patronage, between Colorado and New Mexico, to the end that this political kidnapping of the aborigines should be a bona fide kidnapping and be legitimately conducted according to all legal equity, and not on the principle of a political jack-pot or grab-all game at the expense of the red man, yet Hunt was treated precisely as if he had been, *or was going to be*, a "*grafter*."

> **Thus is the native hue of our resolution**
> **Sickled o'er with the pale cast of thought,**
> **And enterprises of great pith and moment**
> **With this regard their currents turn'd awry**
> **And lose the name of action.**
>
> —*Hamlet.*

Immediately upon his inauguration, Governor McCook was authorized, as *ex-officio* Superintendent of Indian Affairs, to let contracts for the construction of the public buildings alluded to, the successful bidders on which were Messrs. Kettle, Crane & Co. of Denver. In the meantime, Lieutenant C. T. Speer was detailed by the War Department to act as temporary agent at Los Pinos, pending the proper appointment to that office from the civil lists of the Interior Department.

In due course of time the contractors, accompanied by Lieutenant Speer, arrived at Saguache, and, being properly outfitted, were all ready for the business on hand in the matter of construction, but it appeared that the Utes refused to go upon their reservation. Thus, Lieutenant Speer was left in a quandary; but, time being precious, he immediately solicited aid from Otto Mears, and asked him to go to Denver, and, if possible, to make the trip in three days, and see the Governor about it.

The reason why Mears had to make this trip in so short a time was that the Government was paying the contractors $100.00 a day for every day lost. However, Mears arrived in Denver on time, and delivered his message to McCook, whereupon the Governor and a party of military officers started for Lieutenant Speer's camp at Saguache, where they held a pow-wow



Chief Ouray Otto Mears, the Pathfinder
(Taken in 1870)

with the Indians and eventually induced them to settle upon their new reserve.

It was at this agency that General Charles Adams took Alfred Packer, "the man-eater," in haul. When Barlow and Sanderson established their stage lines from Saguache to Lake City, the road which they traveled was built by Otto Mears and Enos Hotchkiss, and passed directly through Los Pinos Agency.*

## TEXT OF THE KIT CARSON TREATY

### TREATY NEGOTIATED WITH THE UTES FOR SAN LUIS VALLEY IN 1868

Articles of a treaty and agreement made and entered into at Washington, D. C., on the second of March, 1868, by and between Nathaniel G. Taylor, Commissioner of Indian Affairs; Alexander C. Hunt, Governor of Colorado Territory and *ex-officio* Superintendent of Indian Affairs, and Kit Carson, duly authorized to represent the United States, of the one part, and the representatives of the Tabewatch, Mouache, Capote, Weeminuche, Yampa, Grand River and Uintah bands of Ute Indians (whose names are hereto subscribed), duly authorized and empowered to act for the body of the people of said bands, of the other part, witness:

Article 1. All of the provisions of the treaty concluded with the Tabewatch band of Ute Indians October 7th, 1863, as amended by the Senate of the United States and proclaimed December 14th, 1864, which are not inconsistent with the provisions of this treaty, as hereinafter provided, are hereby reaffirmed and declared to be applicable and to continue in force as well to the other bands, respectively, parties to this treaty, as to the Tabewatch band of Ute Indians.

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*Afterwards moved to Uncompahgre River.

Article 2. The United States agree that the following district of country, to wit: Commencing at that point on the southern boundary line of the Territory of Colorado where the meridian of longitude 107 degrees west of Greenwich crosses the same, running thence north with said meridian to a point fifteen miles due north of where said meridian intersects the 40th parallel of north latitude; thence due west to the western boundary line of said Territory; thence south with said western boundary line of said Territory to the southern boundary line of said Territory; thence east with said southern boundary line to the place of beginning, shall be, and the same is hereby, set apart for the absolute and undisturbed use and occupation of the Indians herein named and for such other friendly tribes or individual Indians as from time to time they may be willing, with the consent of the United States, to admit among them; and the United States now solemnly agree that no persons, except those herein authorized so to do, and except such officers, agents, and employees of the Government as may be authorized to enter upon Indian reservations in discharge of duties enjoined by law, shall ever be permitted to pass over, settle upon, or reside in the Territory described in this article except as herein otherwise provided.

Article 3. It is further agreed by the Indians, parties hereto, that henceforth they will and do hereby relinquish all claims and rights in and to any portion of the United States or Territories, except such as are embraced in the limits defined in the preceding article.

Article 4. The United States agree to establish two agencies on the reservation provided for in article 2, one for the Grand River, Yampa and Uintah bands, on White River, and the other for the Tabewatch, Mouache, Weeminuche and Capote bands, on Los Pinos Creek on the reservation, and at its own proper expense to construct at each of said agencies a warehouse or storeroom for the use of the agent in storing goods belonging to the Indians, to cost not exceeding fifteen hundred dollars; an agency building for the residence of the agent, to cost not exceeding three thousand dollars, and four other buildings for a carpenter, farmer, blacksmith and miller, each to cost not exceeding two thousand dollars; also a school house or mission building, so soon as a sufficient number of children can be induced by the agent to attend school, which shall not cost exceeding five thousand dollars.

The United States agree, further, to cause to be erected on said reservation, and near to each agency herein authorized, respectively, a good waterpower sawmill, with a grist mill and a shingle mill attached, the same to cost not exceeding eight thousand dollars each; provided, the same shall not be erected until such time as the Secretary of the Interior may think it necessary to the wants of the Indians.

Article 5. The United States agree that the agents for said Indians, in the future, shall make their homes at the agency buildings; that they shall reside among the Indians, and keep an office open at all times for the purpose of prompt and diligent inquiry into such matters of complaint by and against the Indians as may be presented for investigation under the provisions of their treaty stipulations, as also for the faithful discharge of other duties enjoined on them by law. In all cases of depredation on person or property they shall cause the evidence to be taken in writing and forwarded, together with their findings, to the Commissioner of Indian Affairs, whose decision, subject to the revision of the Secretary of the Interior, shall be binding on the parties to this treaty.

Article 6. If bad men among the whites or among other people, subject to the authority of the United States, shall commit any wrong upon the person or property of the Indians, the United States will, upon proof made to the agent and forwarded to the Commissioner of Indian Affairs at Washington, proceed at once to cause the offender to be arrested and punished according to the laws of the United States, and also reimburse the injured person for the loss sustained.

If bad men among the Indians shall commit a wrong or depredation upon the person or property of any one, white, black or Indian, subject to the authority of the United States and at peace therewith, the tribes herein named solemnly agree that they will, on proof made to their agent and notice to him, deliver up the wrongdoer to the United States, to be tried and punished according to its laws, and in case they wilfully refuse so to do, the person injured shall be reimbured for his loss from the annuities or other moneys due, or to become due to them, under this or other treaties made with the United States.

Article 7. If any individual belonging to said tribe of Indians or legally incorporated with them, being the head of a family, shall desire to commence farming, he shall have the privilege to select, in the presence and with the assistance of the agent then in charge, by metes and bounds, a tract of land within said reservation not exceeding one hundred and sixty acres in extent, which tract, when so selected, certified and recorded in the land book, as herein directed, shall cease to be held in common, but the same may be occupied and held in exclusive possession of the person selecting it and his family so long as he or they may continue to cultivate it. Any person over eighteen years of age, not being the head of a family, may, in like manner, select and cause to be certified to him or her for purposes of cultivation, a quantity of land not exceeding eighty acres in extent, and thereupon be entitled to the exclusive possession of the same as above directed.

## "UTE LAND BOOK"

For each tract of land so selected a certificate containing a description thereof and in the name of the person selecting it, with a certificate endorsed thereon that the same has been recorded, shall be delivered to the party entitled to it, by the agent, after the same shall have been recorded by him in a book to be kept in his office, subject to inspection, which said book shall be known as the "Ute Land Book."

The President may at any time order a survey of the reservation; and when so surveyed Congress shall provide for protecting the rights of such Indian settlers in their improvements, and may fix the character of the title held by each.

The United States may pass such laws on the subject of alienation and descent of property, and on all subjects connected with the government of the Indians on said reservation and the internal police thereof, as may be thought proper.

Article 8. In order to insure the civilization of the bands entering into this treaty, the necessity of education is admitted, especially by such of them as are or may be engaged in either pastoral, agricultural or other peaceful pursuits of civilized life on said reservation, and they therefore pledge themselves to induce their children, male and female, between the ages of seven and eighteen years, to attend school; and it is hereby made the duty of the agent for said Indians to see that this stipulation is complied with to the greatest possible extent; and the United States agree that for every thirty children between said ages who can be induced to attend school a house shall be provided, and a teacher competent to teach the elementary branches of an English education shall be furnished, who will reside among said Indians, and faithfully discharge his or her duties as teacher, the provisions of this article to continue for not less than twenty years.

Article 9. When the head of a family or lodge shall have selected lands, and received his certificate as above described, and the agent shall be satisfied that he intends, in good faith, to commence cultivating the soil for a living, he shall be entitled to receive seeds and agricultural implements for the first year not exceeding in value one hundred dollars, and for each succeeding year he shall continue to farm, for a period of three years more, he shall be entitled to receive seeds and implements as aforesaid, not exceeding in value fifty dollars; and it is further stipulated that such persons as commence farming shall receive instructions from the farmer herein provided for; and it is further stipulated that an additional blacksmith to the one provided for in the treaty of October 7th, 1863, referred to in article 1 of this treaty, shall be provided with such iron, steel and other material as may be needed for the Uintah, Yampa and Grand River agency, known as the White River agency.

Article 10. At any time after ten years from the making of this treaty, the United States shall have the privilege of withdrawing the farmers, blacksmiths, carpenters and millers herein, and in the treaty of October 7th, 1863, referred to in article 1 of this treaty, provided for, but in case of such withdrawal, an additional sum thereafter of ten thousand dollars per annum shall be devoted to the education of said Indians, and the Commissioner of Indian Affairs shall, upon careful inquiry into their condition, make such rules and regulations, subject to the approval of the Secretary of the Interior, for the expenditure of said sum as will best promote the educational and moral improvement of said Indians.

Article 11. That a sum, sufficient in the discretion of Congress, for the absolute wants of said Indians, but not to exceed thirty thousand dollars per annum, for thirty years, shall be expended, under the direction of the Secretary of the Interior, for clothing, blankets and such other articles of utility as he may think proper and necessary upon full official reports of the condition and wants of said Indians.

Article 12. That an additional sum, sufficient in the discretion of Congress (but not to exceed thirty thousand dollars per annum), to supply the wants of said Indians for food, shall be annually expended under the direction of the Secretary of the Interior, in supplying said Indians with beef, mutton, wheat, flour, beans and potatoes, until such time as said Indians shall be found to be capable of sustaining themselves.

Article 13. That for the purpose of inducing said Indians to adopt habits of civilized life and become self-sustaining, the sum of forty-five thousand dollars, for the first year, shall be expended, under the direction of the Secretary of the Interior, in providing each lodge or head of a family in said confederated bands with one gentle American cow, as distinguished from the ordinary Mexican or Texas breed, and five head of sheep.

Article 14. The said confederated bands agree that whensoever, in the opinion of the President of the United States, the public interest may require it, that all roads, highways and railroads, authorized by law, shall have the right of way through the reservations herein designated.

Article 15. The United States hereby agree to furnish the Indians the teachers, carpenters, millers, farmers and blacksmiths, as herein contemplated, and that such appropriations shall be made from time to time, on the estimates of the Secretary of the Interior, as will be sufficient to employ such persons.

Article 16. No treaty for the cession of any portion or part of the reservation herein described, which may be held in common, shall be of any validity or force as against the said Indians, unless executed and signed by at least three-fourths of all the adult male Indians occupying or interested in the same; and no cession by the tribe shall be understood or construed in such manner as to deprive, without his consent, any individual member of the tribe of his right to any tract of land selected by him, as provided in article 7 of this treaty.

Article 17. All appropriations now made, or to be hereafter made, as well as goods and stock due these Indians under existing treaties, shall apply as if this treaty had not been made, and be divided proportionately among the seven bands named in this treaty, as also shall all annuities and allowances hereafter to be made; provided, that if any chief of either of the confederated bands make war against the people of the United States or in any manner violate this treaty in any essential part, said chief shall forfeit his position as chief and all rights to any of the benefits of this treaty; but further provided, any Indian of any of these confederated bands who shall remain at peace and abide by the terms of this treaty in all its essentials shall be entitled to its benefits and provisions, notwithstanding his particular chief and band may have forfeited their rights thereto.

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## *Second Treaty with the Ute Indians, Commonly Known as the San Juan Treaty*

**Negotiated in 1872, Reopened in 1873, and Ratified in 1873. President's Proclamation Issued in 1874, and Agency Removed to the Uncompahgre Valley in 1875.**

By the terms of this treaty, wherein the Utes ceded to the United States four million acres of land, the "western slope" acquired a rich mining territory and some heavily timbered mesa lands, adapted to grazing, though lacking in agriculture.

To reach an agreement with the Utes was for the commissioners an uphill business, which same had, by the previous year's failure, been practically explained to them.

In the first place, to the annoyance of the Indians, it was discovered that the eastern line of their reservation was not at that point which they had always claimed as their eastern boundary; in other words, the 107th meridian had been tied at a point twelve miles further west than where its proper location should have been.

Likewise, the southern boundary line of their reservation, which was the parallel of 32 degrees 35 minutes, was run at a considerable distance north of the natural boundary line, which the Indians asserted was given them at the time of the treaty of 1868. That the mistake was not theirs was probable, from the fact that an actual survey located in New Mexico, some distance below the northern boundary line, towns that had been, prior to it, now claimed as being in Colorado.

In order to simplify the treaty into its plainest meanings, the commission, as a starter, asked the Utes to *sell only "the mines."* The Indians understood this to mean only the mines that were then actually worked, and to include none of the surrounding country. These only were they now willing to sell. Furthermore, the remembrance of the terms of the previous year's negotiations (1872) brought prominently before the minds of the Indians all the objections to a sale which they had then registered, and they failed to realize any advantage it would be to them. In this connection the commission had reason to think that persons in New Mexico whose interest it was to retain a portion of the Utes in that territory, and whose influence had been exerted against the success of the negotiations in 1872, were going to try to prejudice the Indians against endorsing the "council" of 1873; or, in any event, that such attendance might be misconstrued by the commission as if their simple presence meant a final endorsement of the treaty; that they were to insist on provisions that it would be impossible for the commission to concede, or, if conceded, would inure to the benefit of the parties interested. Thus, when the commission was reconvened, and the direct proposition for *the mines only* was reiterated, the Indians replied with a distinct counter-proposition which had been foreshadowed in the first interview with them, declaring their intentions and willingness to sell only the mines then being worked; *selling nothing but the tops of the mountains, and including none of the valleys. The miners were to build no houses and were not to make the mining region a permanent place of residence, but to come out each fall, returning again in the spring. For this purpose they would permit the use of a single road entering and leaving the mines. This arrangement, they thought and urged upon the commission, was in accord with the proposition of the commission of 1872, and were much* *surprised on being informed that this proposition could not be entertained by the then present commission.*

As a dernier resort it had been recognized in the counsels of the commissioners that it would be a good preliminary move for the Washington authorities to conciliate Chief Ouray by having "Friday," his son, brought to Denver. He had been a captive among the Arapahoes for ten years. Acting on this hint, the Commissioner of Indian Affairs at Washington sent a request to the agent of the Arapahoes to spare no trouble or reasonable expense in securing "the young man." It was further requested of the agent of the Arapahoes to hold the boy in readiness to be sent to Denver early in August, but they never succeeded in getting the boy to agree to it.

Ouray was greatly disappointed at this, saying that "the Government was strong enough to get my boy if it wished to do so. If it should show enough interest in me to make still another attempt to rescue my boy, I will do what I can towards carrying out the wishes of the Government in regard to the present negotiations." However, notwithstanding the very earnest further efforts of the Government to gratify Ouray's desires, they were unsuccessful, and also it seemed impossible to get the Indians into the notion of signing the treaty.

The Commissioner's patience was well-nigh worn out at the obduracy of the Indians, but at the eleventh hour General Adams suggested to Mr. Brunot that it might be advantageous to interview Otto Mears. Accordingly, Mr. Brunot went to Saguache to get his assistance. Mr. Mears told Mr. Brunot that if he would return to Los Pinos agency he would go with him. Mr. Mears got the Indians to sign the treaty. When they arrived at the agency Mr. Mears told Mr. Brunot that if he approved of it he would offer a nice gift to Chief Ouray—Indians being just as susceptible as the whites or blacks—and proposed to give Ouray a thousand-dollar salary for ten years. Mr. Brunot got rather indignant at this proposition, saying that the Government could not afford to bribe anybody. Mr. Mears insisted that it was not a bribe, but a salary. He then suggested to Ouray that he was getting old and, being chief, ought to have an income so that he could live without hunting and selling buckskin, and that the Government would agree to pay the Indians the interest on half a million dollars and himself a salary of one thousand dollars a year for ten years.

Ouray, being duly civilized and thrifty, accepted the proposition, and signed the treaty which opened the San Juan mining region.

Mr. Brunot was so elated over the results of this treaty that he recommended that the Government should pay the traveling expenses of Mr. Mears, General Charles Adams (the Indian agent) and Mr. Herman Lueders, his secretary, for a three months' trip through the eastern states, together with nine Indians. Mr. Mears at this time had never seen the eastern part of the United States.

The recommendation was adopted, and the trip was made at an expense of $15,000.

When the party arrived in Washington, the Indians were ordered to the White House to see President Grant, whom the Indians called the "great father." On arriving at the White House, the President, Mrs. Grant and Miss Nellie Grant were standing in a line, to be presented to the Indians. Chief Ouray turned to the Indians and stated, "This is the great father," and, pointing to Mrs. Grant, he said, "This must be the great mother, and if this is your great father and your great mother, this (pointing to Miss Nellie Grant) must be your sister." Mr. Mears acted as interpreter. The President and the five hundred guests present saw the joke at once and laughed heartily.

The Ute delegation also visited Baltimore, Philadelphia, New York, Boston and other places. While going these rounds they were principally under the chaperonage of General Adams and Mr. Mears. Some of them in New York expressed a desire to go to the circus to witness the wonderful feats of the performers on horseback. These skillful riders of the mountains were astonished at the performances, and could hardly believe in their own eyesight. About this time there was a most extraordinary spectacular drama being performed nightly at Niblo's Garden in New York, called "The Black Crook." Mr. Mears was their conductor on this occasion, but somehow or other they didn't seem to be as much impressed with this exceedingly picturesque scenic exhibition as they had been at the circus, and evinced but mild surprise at the wonderful cascades and the music of dancing waters, evidently comparing this scenery to its disadvantage with similar scenes in Nature's own kingdom in the mountains of their reservation, while the wonderful steps of the two hundred or more ballet dancers were disadvantageously compared to their own "ghost dances" on the Uncompahgre.

Not to be outdone, however, by this disparagement on their part, Mr. Mears took them to Central Park. The camels in Central Park attracted them more than any other animals. When they were assured that these creatures were perfectly tame they put their hands on their long, shaggy necks and felt of their curious humps; and when told how fast this strange kind of horses, as they called them, would carry on their backs a man, and a heavy load of goods besides, they seemed to covet them with a feeling bordering on affection. After gazing with astonishment on them and other Oriental animals, they turned away, giving only a passing glance at the bears, deer, elk and antelopes, having doubtless seen larger specimens of them in their own country. The sight of some rather small buffaloes (bison) confined in pens evidently called forth some Indian wit which caused a hearty laugh in the crowd of Indians looking at these specimens of the great rovers of the western plains.

As the Indians could not remember the English names of even the more remarkable animals and objects which they had seen as told to them by Mr. Mears and Ouray, some of the more curious of their number put together Indian words forming long names descriptive of the animals and objects. Ouray declared that their word for elephant would read, when translated into English, "The big, high animal with a tail at each end." The camel was designated by compounding a word signifying "The new kind of horse that the Indians wanted to have to ride fast on in their country."

At the first sight of the monkeys and baboons they looked at them with a sort of dread, but soon lost their fears, and became greatly amused at their tricks and antics. They called them "The long armed creatures trying to look like men."

Turning away from the large animals outside of the building, they went into the large cabinets containing stuffed birds, quadrupeds, fishes and reptiles in glass cases. The larger part of the Ute delegation looked upon these specimens as so many *shams* intended to deceive the spectators by making them think they were *alive*, and would injure the people if they were not confined in the cases. Several of the less intelligent Indians took much credit to themselves for having sagacity enough to detect this *cheat*, as they considered it, and with no little pride they pointed out their discovery to some of their companions. Neither Mr. Mears or Ouray found themselves able to convey to the Indian mind the ideas of the scientific purposes for which such collections of specimens of natural history are made.

On the following day they visited various art galleries as well as book and picture stores, and gazed with rapt attention at numerous photographs and highly colored pictures. A prominent bookseller asked the delegation if they didn't want to take a few portfolios of chromos home with them, whereupon Ouray suggested with a twinkle in his eye that they might be allowed to gather up some collections at the jewelry stores.

At last the time arrived for them to start back to their homes in Colorado. Commenting on this, the Chicago "Tribune's" Washington special, dated October 17th, 1873, is as follows:

"The delegation of Ute Indians that visited Washington left for their reservation today. They will take back with them greater feelings of disgust than they brought east. * * * This tribe has ceded to the Government four million acres of mining country, for which they were to receive an annual annuity of $25,000 per annum, which annuity would be the accrued interest on $500,000 which the Government owed them for their relinquishment of what is known as the San Juan mining regions. On the eve of their departure they held a final interview with the Commissioner of Indian Affairs, by whom they were 'impressed' to believe in the imperative necessity of vacating their old haunts immediately, and of removing to their new agency on the Uncompahgre. Mr. Mears acted as interpreter on this, their last interview.

"The Ute chiefs (with the exception of Ouray, who was visiting at the home of Colorado's representative) stoutly contended that the annuity of the Government of $25,000 per year, annually forever, which they were to receive was to be spent as the Indians might please, but they were 'impressed' to believe that they would have to allow their money to be spent for them as their agent and the Government might deem best."

I have detailed at these lengths some of the strange notions of these Indians for the purpose of showing that their visits to Washington and the larger cities of the Union had a distinct and salutary effect on their pride and vainglory that acted as a check against their overestimated power as a tribe, inasmuch as it served to impress their minds with permanent convictions of their inferiority to the whites in knowledge and power, and thus restrain them from entering into any warlike schemes.

In this respect inviting Indian delegations to Washington has been found to be one of the most effective peace measures which the Government has ever adopted.

An interpreter for one of the larger tribes of Indians then visiting Washington once overheard a long talk by a large group of Indians in one of the most spacious rooms assigned to them in the Grand Central Hotel in New York.

The question before them seemed to be: "How do the white people get the knowledge which enables them to make such wonderful things as guns, powder, steamboats, locomotives, railways, telegraphs and many other great things which they have seen?"

One conclusion arrived at in this long conversation was that, when the white men go to sleep, the wise spirits come to them in the night and tell them how to make all these wonderful things. And then the white men, remembering what has been told them, get up in the morning and go to work, carrying into effect what the spirits had taught them.

Another conclusion apparently reached by this band of philosophers was that the Indians had, at some time in their past history, done something which offended these spirits, and that must be the reason why they would not make such communications to them as they do to the whites. The conversation then ran upon the means employed by the whites to keep on such good terms with their spiritual instructors as to obtain from them all the wisdom used in our civilization.

It is not an exaggerated statement to say that, in the long run, every hundred dollars expended in bringing the troublesome leaders of Indian tribes to Washington, and in returning them to their homes, saves ten thousand dollars to the Government by averting wars with tribes when leaders have been pacified, and often satisfied, by means of this common sense feature of a wise general policy.

## TEXT OF THE SECOND TREATY WITH THE UTE INDIANS

**Letter from the Secretary of the Interior in Relation to an Agreement Concluded with the Ute Indians in Colorado September 13th, 1873.**

**January 12th, 1874, Referred to Committee on Indian Affairs and Ordered to be Printed.**

Department of the Interior,
Washington, D. C., January 10, 1874.

Sir: I have the honor, herewith, to lay before Congress, for the consideration and action of that body, an agreement concluded with certain Ute Indians, September 13th, 1873, by special commissioners designated by this department, in accordance with the act of Congress approved April 23rd, 1872, entitled "An act authorizing the Secretary of the Interior to make certain negotiations with the Ute Indians in Colorado." (Statutes at Large, vol. 17, p. 55.)

A copy of letter dated the 9th instant, from the Commissioner of Indian Affairs, submitting said agreement to this department, is enclosed.

Very respectfully, your obedient servant,

COLUMBUS DELANO,
Secretary.

The Speaker of the House of Representatives.

Articles of convention, made and entered into at the Los Pinos agency for the Ute Indians, on the 13th day of September, 1873, by and between Felix R. Brunot, commissioner in behalf of the United States, and the chiefs, head men and men of the Uncompahgre, Tabequache, Mouache, Capote, Weeminuche, Yampa, Grand River and Uintah bands of Ute Indians, witnesseth:

That whereas, a treaty was made with the confederated bands of the Ute Nation on the 2nd day of March, A. D. 1868, and proclaimed by the President of the United States on the 6th day of November, 1868, the second article of which defines by certain lines the limits of a reservation to be owned and occupied by the Ute Indians; and whereas, by act of Congress approved April 23rd, 1872, the Secretary of the Interior was authorized and empowered to enter into negotiations with the Ute Indians in Colorado for the extinguishment of their right to a certain portion of said reservation, and a commission was appointed on the 1st day of July, 1872, to conduct said negotiation; and whereas, said negotiation having failed, owing to the refusal of said Indians to relinquish their right to any portion of said reservation, a new commission was appointed by the Secretary of the Interior by letter of June 2nd, 1873, to conduct said negotiation;

Now, therefore, Felix R. Brunot, commissioner of the United States, and the chiefs and people of the Uncompahgre, Tabequache, Mouache, Capote, Weeminuche, Yampa, Grand River and Uintah, the confederated bands of the Ute Nation do enter into the following agreement:

Article 1. The confederated band of the Ute Nation hereby relinquish to the United States all right, title and claim, and interest in and to the following described portion of the reservation heretofore conveyed to them by the United States, viz.: Beginning at a point on the eastern boundary of said reservation, fifteen miles due north of the southern boundary of the Territory of Colorado, and running thence west on a line parallel to the said southern boundary to a point on said line twenty miles due east of the western boundary of Colorado Territory; thence north by a line parallel with the western boundary to a point ten miles north of the point where said line intersects the 38th parallel of north latitude; thence east to the eastern boundary of the Ute reservation, and thence south along said boundary to the place of beginning; *provided*, that if any part of the Uncompahgre Park shall be found to extend south of the north line of said described country, the same is not intended to be included therein, and is hereby reserved and retained as a portion of the Ute reservation.

Article 2. The United States shall permit the Ute Indians to hunt upon said lands so long as the game lasts and the Indians are at peace with the white people.

Article 3. The United States agrees to set apart and hold as a perpetual trust for the Ute Indians a sum of money, or its equivalent in bonds, which shall be sufficient to produce the sum of twenty-five thousand dollars ($25,000) per annum, which sum of twenty-five thousand dollars ($25,000) per annum shall be disbursed or invested at the discretion of the President, or as he may direct, for the use and benefit of the Ute Indians, annually forever.

Article 4. The United States agrees, so soon as the President may deem it necessary or expedient, to erect proper buildings and establish an agency for the Weeminuche, Mouache and Capote bands of Ute Indians at some suitable point to be hereafter selected, on the southern part of the Ute reservation.

Article 5. All the provisions of the treaty of 1868, not altered by this agreement, shall continue in force, and the following words from article 2 of said treaty, viz.:

"The United States now solemnly agrees that no persons, except those herein authorized to enter upon Indian reservations in discharge of duties enjoined by law, shall ever be permitted to pass over, settle upon or reside in the territory described in this article, except as herein otherwise provided," are hereby expressly reaffirmed, except so far as they applied to the country herein relinquished.

Article 6. In consideration of the services of Ouray, head chief of the Ute Nation, he shall receive a salary of one thousand dollars ($1,000.00) per annum for the term of ten years, or so long as he shall remain head chief of the Utes, and at peace with the people of the United States.

Article 7. This agreement is subject to ratification or rejection by the Congress of the United States and of the President.

**Felix R. Brunot,**
Special Commissioner.

(SEAL)

Attest:

**Thomas K. Cree,**
Secretary.

**James Phillips, M.D.,**
**John Lawrence,**
Interpreters.

(Here follow the names of 304 Indians of the tribes noted as above.)

## THIRD TREATY—1880

Executive Documents,
Third Session, 46th Congress.

### CHAPTER 223.

*An act to accept and ratify the agreement submitted by the confederated bands of Ute Indians in Colorado, for the sale of their reservation in said state, and for other purposes, and to make the necessary appropriations for carrying out the same. (June 15th, 1880.)*

Whereas, certain of the chiefs and head men of the confederated bands of the Ute tribe of Indians, now present in the city of Washington, have agreed upon and submitted to the Secretary of the Interior an agreement for the sale to the United States of their present reservation in the State of Colorado, their settlement upon lands in severalty, and for other purposes; and

Whereas, the President of the United States has submitted said agreement, with his approval of the same, to the Congress of the United States for acceptance and ratification, and for the necessary legislation to carry the same into effect;

Therefore, *be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, that the said agreement be, and the same is hereby, accepted, ratified and confirmed; *provided*, that the said agreement shall be amended by adding to the first clause thereof, after the words "guilty parties", the words following, to wit: "Until such surrender or apprehension, or until the President shall be satisfied that the guilty parties are no longer living or have fled beyond the limits of the United States, the proportion of the money, hereinafter provided, coming to that portion of the Ute Indians known as the White River Utes, except for removal and settlement, shall not be paid"; and by adding to the third express condition of said agreement after the word "forever", the words following, to wit: "*Provided*, That the President of the United States may, in his discretion, appropriate an amount thereof, not exceeding ten thousand dollars, for the education in schools established within or beyond the limits of the lands selected, of such youths of both sexes as in his judgment may be best qualified to make proficiency in practical industries and pursuits necessary for their self-support, and out of the portion of said moneys coming to the White River Utes the United States shall pay annually to the following named persons, during the period of twenty years, if they shall live so long, the following sums, respectively: To Mrs. Arivella D. Meeker, five hundred dollars; to Miss Josephine Meeker, five hundred dollars; to Mrs. Sophronia Price, five hundred dollars; to Mrs. Maggie Gordon, five hundred dollars; to George Dresser, two hundred dollars; to Mrs. Sarah M. Post, five hundred dollars; to Mrs. Eaton, mother of George Eaton, two hundred dollars; to the parents of Arthur L. Thompson, two hundred dollars; to the father of Fred Shepard, two hundred dollars; to the parents of Wilmer Eskridge, two hundred dollars"; and by adding to the fifth express condition of said agreement after word "reaffirmed", the words following, to wit: "This sum, together with the annuity of fifty thousand dollars hereinbefore provided, may in the discretion of Congress at the end of twenty-five years, be capitalized, and the principal sum be paid to said Indians per capita in lieu of said annuities." *And provided also*, That three-fourths of the adult male members of said confederated bands shall agree to and sign said agreement, upon presentation of the same to them, in open council, in the manner hereinafter provided. *Provided further*, That nothing in this act contained, or in the agreement herein set forth, or in the amendments herein proposed to said agreement, shall be so construed as to compel any Ute Indian to remove from any lands that he or she claims in severalty. Said agreement is in words and figures as follows, namely:

The chiefs and head men of the confederated bands of the Utes now present in Washington hereby promise and agree to procure the surrender to the United States, for trial and punishment, if found guilty, of those members of their nation, not yet in the custody of the United States, who were implicated in the murder of United States Indian Agent N. C. Meeker, and the murder of and outrages upon the employees of the White River Agency on the twenty-ninth day of September, eighteen hundred and seventy-nine, and in case they do not themselves succeed in apprehending the said parties, presumably guilty of the above mentioned crime, that they will not in any manner obstruct, but faithfully aid, any officers of the United States, directed by the proper authorities, to apprehend such presumably guilty parties.

The said chiefs and head men of the confederated bands of Utes also agree and promise to use their best endeavors with their people to procure their consent to cede to the United States all the territory of the present Ute reservation in Colorado, except as hereinafter provided for their settlement.

The Southern Utes agree to remove to and settle upon the unoccupied agricultural lands on the La Plata River, in Colorado; and if there should not be a sufficiency of such lands on the La Plata River and its vicinity in Colorado, then upon such unoccupied agricultural lands as may be found in that vicinity and in the Territory of Utah.

The Uncompahgre Utes agree to remove to and settle upon agricultural lands on Grand River, near the mouth of Gunnison River, in Colorado, if a sufficient quantity of agricultural land shall be found there; if not, then upon such other unoccupied agricultural lands as may be found in that vicinity and in the Territory of Utah.

The White River Utes agree to remove to and settle upon agricultural lands on the Uintah reservation in Utah.

Allotments in severalty of said lands shall be made as follows:

To each head of a family one quarter of a section, with an additional quantity of grazing land not exceeding one-quarter of a section.

To each single person over eighteen years of age one-eighth of a section, with an additional quantity of grazing land not exceeding one-eighth of a section.

To each orphan child under eighteen years of age one-eighth of a section, with an additional quantity of grazing land not exceeding one-eighth of a section; and to each other person, under eighteen years of age, now living, or who may be born prior to said allotments, one-eighth of a section, with a like quantity of grazing land.

All allotments to be made with the advice of the commission hereinafter provided, upon the selection of the Indians, heads of families selecting for their minor children, and the agents making the allotment for each orphan child.

The said chiefs and head men of the confederated bands of Utes further promise that they will not obstruct or in any wise interfere with travel upon any of the highways now open or hereafter to be opened by lawful authority in or upon any of the lands to be set apart for their use by virtue of this agreement.

The said chiefs and head men of the confederated bands of Utes promise to obtain the consent of their people to the cession of the territory of their reservation as above on the following express conditions:

First: That the Government of the United States cause the lands so set apart to be properly surveyed and to be divided among the said Indians in severalty in the proportion hereinbefore mentioned, and to issue patents in fee simple to them respectively therefor, so soon as the necessary laws are passed by Congress. The title to be acquired by the Indians shall not be subject to alienation, lease, or incumbrance, either by voluntary conveyance of the grantee or by the judgment, order or decree of any court, or subject to taxation of any character, but shall be and remain inalienable and not subject to taxation for the period of twenty-five years, and until such time thereafter as the President of the United States may see fit to remove the restriction which shall be incorporated in the patents when issued, and any contract made prior to the removal of such restriction shall be void.

Second: That so soon as the consent of the several tribes of the Ute Nation shall have been obtained to the provisions of this agreement, the President of the United States shall cause to be distributed among them in cash the sum of sixty thousand dollars of annuities now due and provided for, and so much more as Congress may appropriate for that purpose; and that a commission shall be sent to superintend the removal and settlement of the Utes, and to see that they are well provided with agricultural and pastoral lands sufficient for their future support, and upon such settlement being duly effected that they are furnished with houses, wagons, agricultural implements, and stock cattle sufficient for their reasonable wants, and also such saw and grist mills as may be necessary to enable them to commence farming operations, and that the money to be appropriated by Congress for that purpose shall be apportioned among the different bands of Utes in the following manner: one-third to those who settle on the La Plata River and vicinity, and one-sixth to those settling on the Uintah reservation.

Third: That in consideration of the cession of territory to be made by the said confederated bands of the Ute Nation, the United States, in addition to the annuities and sums for provisions and clothing stipulated and provided for in existing treaties and laws, agrees to set apart and hold, as a perpetual trust for the said Ute Indians, a sum of money or its equivalent in bonds of the United States, which shall be sufficient to produce the sum of fifty thousand dollars per annum, which sum of fifty thousand dollars shall be distributed per capita to them annually forever.

Fourth: That as soon as the President of the United States may deem it necessary or expedient, the agencies for the Uncompahgre and Southern Utes be removed to and established at suitable points, to be hereafter selected, upon the lands to be set apart, and to aid in the support of said Utes until such time as they shall be able to support themselves, and that in the meantime the United States Government will establish and maintain schools in the settlements of the Utes, and make all necessary provision for the education of their children.

Fifth: All provisions of the treaty of March second, eighteen hundred and sixty-eight, and the act of Congress approved April twenty-ninth, eighteen hundred and seventy-four, not altered by this agreement, shall continue in force, and the following words from article three of said act, namely, "The United States agrees to set apart and hold, as a perpetual trust for the Ute Indians, a sum of money or its equivalent in bonds, which shall be sufficient to produce the sum of twenty-five thousand dollars per annum, which sum of twenty-five thousand dollars per annum shall be disbursed or invested at the discretion of the President, or as he may direct, for the use and benefit of the Ute Indians forever", are hereby expressly reaffirmed.

Sixth: That the commissioners above mentioned shall ascertain what improvements have been made by any member or members of the Ute Nation upon any part of the reservation in Colorado to be ceded to the United States as above, and that payment in cash shall be made to the individuals having made and owning such improvements upon a fair and liberal valuation of the same by the said commission, taking into consideration the labor bestowed upon the land.

Done at the city of Washington this sixth day of March, Anno Domini eighteen hundred and eighty.

(Signed)

Shavano His X Mark
Ionacio His X Mark
Alhandra His X Mark
Veratziz His X Mark
Galota His X Mark
Jocknick His X Mark
Wass His X Mark
Sowawick His X Mark
Ouray

Witnesses:

Otto Mears, Interpreter.
Wm. H. Berry, Interpreter.
Wm. F. Burns, Interpreter.
Henry Page, United States Indian Agent, Southern Utes.
General Charles Adams, Special Agent.

## TEXT OF THE SOUTHERN UTE TREATY OF 1888

By an act of Congress approved in 1888 a commission was appointed to investigate the expediency of removing the Southern Utes to a new reservation in Utah and settling them upon a tract about three times larger than their reservation in New Mexico including its overlap in Colorado. The line of their proposed reservation in Southern Utah ran seventy-five miles along the dividing line between Colorado and Utah to the east bank of the Colorado River; thence down that stream to the junction of the San Juan with the Colorado; thence southeasterly along the north bank of the San Juan to the place of beginning.

Being well watered and having an abundance of game in the Blue Mountains, which also lie on the reserve, it was therefore a fine grazing, agricultural and hunting country, besides possessing a mild winter climate. For years prior to 1888 it had been their favorite hunting ground.

In due course of time the commission concluded a treaty for the change. This was submitted to Congress by the Interior Department, but it met with violent opposition from the Indians' Rights Association of New England, and also from certain cattle companies in Utah, and, on account of this combined opposition, the bill, notwithstanding that it had already passed the House of Representatives, failed of ratification by the Senate.

It was pointed out to the Senators at the time by the Indians' Rights Association that the proposed reservation had, on account of its peculiar topography, become the Mecca for all classes of criminals throughout the United States, and would be inimical on that account to the Indians' welfare. The fact that the Indians themselves were anxious to make this removal had no weight with the above association, for they asserted that the Indians did not really know, under all circumstances, what was good for them.

They further asserted that the reservation system was of itself *radically wrong* for the average Indian—that if the redmen were placed upon farms of their own they would readily embrace civilization with all that the name implied, including the elective franchise, and the higher duties of citizenship, hence their remonstrance against the treaty. The various cattle companies alluded to, seeing in this remonstrance a coign of vantage, likewise threw the weight of their own opposition against the bill and helped to kill it in the Senate, consequently it never became a law.

From this time on till the summer of 1895 the Southern Utes pursued the even tenor of their carefree and indolent life without interruption, but during the winter of that year proposals were made to them to enter into another treaty. Before this was done, however, an act of Congress *nullifying the treaty of 1888* passed both houses. This paved the way for a new treaty, thereupon the requisite number of Southern Utes affixed their signatures to an "act ratifying agreement with them to take up lands in severalty." The proposition, however, was not forced upon them as *an ultimatum*, as had been done to their brethren in Colorado just after the Meeker massacre, for it had been recognized at Washington that, inasmuch as they had been peaceably disposed towards the whites and *took no part* in the White River outbreak, their desires would not be violated by drastic legislative proceedings. Such of their number as desired to remain on their old reservation in New Mexico and the forty-mile strip in Colorado could do so without molestation; that they were at liberty to take lands in severalty, or not. They were also informed that, if they so elected, they might move to Uintah and take land in severalty in *Northern Utah*, where the Allied Utes were then living. A sufficient number of them, however, signed this agreement to take land in severalty in so far as there remained in New Mexico and Colorado a sufficient acreage for this partial allotment, and for the balance of it to be made good to those who might so elect in the unoccupied lands in Northern Utah, where 800,000 acres were reserved for the Ute Nation as a whole. * * *

## THE SOUTHERN UTES' TREATY RELATIVE TO LANDS ON LA PLATA AND OTHER RIVERS IN COLORADO AND NEW MEXICO

An act approved February 20th, 1895.

Statutes at Large,
Vol. 28, page 677.

*An act to disapprove the treaty heretofore made with the Southern Ute Indians to be removed to the Territory of Utah, and providing for settling them down in severalty where they may so elect and are qualified, and to settle all those not electing to take lands in severalty on the west forty miles of present reservation and in portions of New Mexico, and for other purposes, and to carry out the provisions of the treaty with said Indians June fifteenth, eighteen hundred and eighty.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the agreement made by J. Montgomery Smith, Thomas S.

Childs and R. B. Weaver, commissioners on the part of the United States, with the Southern Ute Indians of Colorado, bearing date November thirteenth, eighteen hundred and eighty-eight, be, and the same is hereby, annulled, and the treaty made with said Indians June fifteenth, eighteen hundred and eighty, be carried out as herein provided, and as further provided by general law for settling Indians in severalty.

Section 2. That within six months after the passage of this act, the Secretary of the Interior shall cause allotment of land, in severalty, to be made to such of the Southern Ute Indians in Colorado as may elect and be considered by him qualified to take the same out of the agricultural lands embraced in their present reservation in Colorado, such allotments to be made in accordance with the provisions of the act of Congress approved June fifteenth, eighteen hundred and eighty, entitled "An act to accept and ratify the agreement submitted by the confederated bands of Ute Indians in Colorado for the sale of their reservation in said state, and for other purposes, and to make the necessary appropriations for carrying out the same", and the amendments thereto, as far as applicable hereto, and the treaties heretofore made with said Indians; Provided, That Indians taking allotments as herein provided shall retain their interest in all tribal property.

Section 3. That for the sole and exclusive use and occupancy of such of said Indians as may not elect or be deemed qualified to take allotments of land in severalty, as provided in the preceding section, there shall be, and is hereby, set apart and reserved all that portion of their present reservation lying west of the range line between ranges thirteen and fourteen west of the New Mexico principal meridian, and also all of townships thirty-one and thirty-two of ranges fourteen and fifteen and sixteen west of the New Mexico principal meridian, and lying in the Territory of New Mexico, subject, however, to the right of the Government to erect and maintain agency buildings thereon, and to grant rights of way through the same for railroads, irrigation ditches, highways, and other necessary purposes; and the Government shall maintain an agency at some suitable place on said lands so reserved.

Section 4. That at the expiration of six months from the passage of this act the President of the United States shall issue his proclamation declaring the lands embraced within the present reservation of said Indians, except such portions as may have been allotted or reserved under the provisions of the preceding sections of this act, open to occupancy and settlement, and thereupon said lands shall be and become a part of the public domain of the United States, and shall be subject to entry under the desert, homestead and townsite laws and the laws governing the disposal of coal, mineral, stone and timber lands; but no homestead settler shall receive a title to any portion of such lands at less than one dollar and twenty-five cents per acre, and shall be required to make a cash payment of fifty cents per acre at the time filing is made upon any of said lands; *Provided*, That before said lands shall be open to public settlement the Secretary of the Interior shall cause the improvements belonging to the Indians on the lands now occupied by them to be appraised and sold at public sale to the highest bidder, except improvements on lands allotted to the Indians in accordance with the provisions of this act. No sale of such improvements shall be made for less than the appraised value, and the several purchasers of said improvements shall, for thirty days after the issuance of the President's proclamation, have the preference right of entry of the lands upon which the improvements purchased by him are situated; *Provided further*, That the said purchase shall not exceed one hundred and sixty acres; *And provided further*, That the proceeds of the sale of such improvements shall be paid to the Indians owning the same.

Section 5. That out of the moneys first realized from the sale of said lands so opened up to public settlement there shall be paid to said Indians the sum of fifty thousand dollars, as follows: Five thousand dollars annually for ten years, and, when paid, the money to be equally divided among all of said Indians per capita, irrespective of age or sex; also the sum of twenty thousand dollars of said proceeds shall be paid to the Secretary of the Interior, who shall invest the same in sheep, and divide the said sheep among the said Indians per capita equally, irrespective of age or sex; also to Ignacio, head chief; to Buckskin Charlie, as chief of the Mouaches, and Mariano, as chief of the Weeminuches, the sum of five hundred dollars each; also to Tapucke and Tabewatch, as chief of the Capotes, the sum of two hundred and fifty dollars each; that the balance of the money realized from the sale of lands, after deducting the expenses of sale and survey, shall be held in the Treasury of the United States in trust for the sole use and benefit of said Southern Ute Indians.

That nothing herein provided shall in any manner be construed to change or interfere with the rights of said Indians under any other existing treaty regarding any annuities or trust funds or the interest thereon.

Section 6. That the foregoing provisions of this act shall take effect only upon the acceptance thereof and consent thereto by a majority of the male adult Indians now located or residing upon the reservation, which acceptance shall be at once obtained under such regulations as the Secretary of the Interior may prescribe.

Approved February 20, 1905.